

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

5 THE HONORABLE STEPHEN V. WILSON, DISTRICT JUDGE PRESIDING

6
7 USA,)
8 Plaintiff,)
9 vs.) No. CR-15-611-SW
10 SEAN DAVID MORTON AND MELISSA)
11 MORTON,)
Defendants.)
_____)

14 REPORTER'S TRANSCRIPT OF JURY TRIAL PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, MAY 7, 2017

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4 **For the Plaintiff:**

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DEFENDANT SEAN DAVID MORTON, PRO PER

1 **LOS ANGELES, CALIFORNIA; THURSDAY, APRIL 7, 2017; 9:25 A.M.**

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3 (Proceedings held outside the presence of the jury:)

4

5 THE COURT: We're present with the defendants and
6 counsel, and I'm about to instruct the jury; but I did consider
7 overnight the comments by counsel and the objections by the
8 defendants; and the court's ruling is that it will withdraw the
9 willful violence instruction. It will withdraw the instruction
10 that it's not a defense to -- what was the instruction? --
11 follow the law.

12 MR. BRODY: Good faith disagreement with the law.

13 THE COURT: Yes. But with regard to the issue of
14 whether the IRS is an agency, that is, under the cases I
15 examined being a question of law. So I will instruct as that
16 instruction is given.

17 So we're going to call the jury, and I'll begin the
18 instructions, and then we'll have the arguments.

19 (Open Court - Jury Present)

20 THE COURT: Good morning, again, members of the jury.
21 Thank you, again, for making an effort to be on time.

22 Members of the jury, now that you have heard all the
23 evidence, it is my duty to instruct you on the law that applies
24 to this case. A copy of these instructions will be available
25 in the jury room for you to consult. It is your duty to weigh

1 and to evaluate all the evidence received in the case and in
2 that process to decide the facts. It is also your duty to
3 apply the law as I give it to you to the facts as you find them
4 whether you agree with the law or not. You must decide the
5 case solely on the evidence and law and must not be influenced
6 any by personal likes or dislikes, opinions, prejudices or
7 sympathy. You will recall that you took an oath promising to
8 do so at the beginning of the case.

9 You must follow all these instructions and not single
10 out some and ignore others. They are all important. Please do
11 not read into these instructions or into anything I may have
12 said or done any suggestion as to what verdict you should
13 return; that is a matter entirely up you to. The indictment is
14 not evidence. The defendants have pleaded not guilty to the
15 charges. The defendants are presumed to be innocent unless and
16 until the government proves the defendants guilty beyond a
17 reasonable doubt. In addition, the defendants do not have to
18 testify or present any evidence to prove innocence. The
19 government has the burden of proving every element of the
20 charges beyond a reasonable doubt.

21 A defendant in a criminal case has a constitutional
22 right not to testify. You may not draw any inference of any
23 kinds from the fact that the defendant Melissa Morton did not
24 testify. Defendant Sean David Morton has testified. You
25 should treat this testimony just as you would the testimony of

1 any other witness.

2 Proof beyond a reasonable doubt is proof that leaves
3 you firmly convinced the defendant is guilty. It is not
4 required that the government prove guilt beyond all possible
5 doubt. A reasonable doubt is a doubt based upon reason and
6 commonsense and is not based purely on speculation. It may
7 arise from a careful and impartial consideration of all the
8 evidence or from lack of evidence. If after a careful and
9 impartial consideration of all the evidence you are not
10 convinced beyond a reasonable doubt that the defendants are
11 guilty, it is your duty to find the defendants not guilty. On
12 the other hand, if after a careful and impartial consideration
13 of all the evidence you are convinced beyond a reasonable doubt
14 that the defendant is guilty, it is your duty to find the
15 defendant guilty.

16 The evidence you are to consider in deciding what the
17 facts are consist of, one, the sworn testimony of any witness,
18 and two, the exhibits received in evidence. In reaching your
19 verdict, you may only consider the testimony and exhibits
20 received in evidence.

21 The following things are not evidence and you may not
22 consider them in deciding what the facts are: Questions,
23 statements, objections, arguments by the lawyers are not
24 evidence. The lawyers are not witnesses. Although you must
25 consider a lawyer's question to understand the answers of a

1 witness, the lawyer's questions are not evidence. Similarly,
2 what lawyers have said in their opening statements, what they
3 will say in their closing arguments, and at other times is
4 intended to help you interpret the evidence, but it is not
5 evidence. If the facts as you remember them differ from the
6 way the lawyers state them, your memory of them controls. Any
7 testimony that I've excluded, stricken or instructed you to
8 disregard is not evidence. Anything you may have seen or heard
9 when the court was not in session is not evidence. You are to
10 decide the case solely on the evidence received at the trial.

11 Evidence may be direct or circumstantial. Direct
12 evidence is direct proof of a fact, such as testimony by a
13 witness about what that witness personally saw or heard or did.
14 Circumstantial evidence is indirect evidence, that is, it is
15 proof of one or more facts from which you could find another
16 fact. You are to consider both direct and circumstantial
17 evidence. Either can be used to prove any fact. The law makes
18 no distinction between the weight to be given to either direct
19 or circumstantial evidence. It is for you to decide how much
20 weight to give to any evidence. In deciding the facts in this
21 case, you may have to decide which testimony to believe and
22 which testimony not to believe. You may believe everything a
23 witness says or part of it or none of it.

24 In considering the testimony of any witness, you may
25 take into account the witness's opportunity and ability to see

1 or hear or know the things testified to; the witness's memory;
2 the witness's manner while testifying; the witness's interest
3 in the outcome of the case, if any; the witness's bias or
4 prejudice, if any; whether other evidence contradicted the
5 witness's testimony; the reasonableness of the witness's
6 testimony in light of all the evidence; and any other factors
7 that bear on believability. The weight of the evidence as to a
8 fact does not necessarily depend on the number of witnesses who
9 testify. What is important is how believable the witnesses
10 were and how much weight you think their testimony deserves.

11 You are here only to determine whether the defendant
12 is guilty or not guilty of the charges in the indictment. The
13 defendant is not on trial for any conduct or offense not
14 charged in the indictment.

15 When I say "defendant" or "defendants," I am
16 referring to both defendants unless I say otherwise.

17 A separate crime is charged against one or more
18 defendants in each count. The charges have been joined for
19 trial. You must decide the case of each defendant on each
20 crime charged against that defendant separately. Your verdict
21 on any count as to any defendant should not control your
22 verdict on another count as to any other defendant. All the
23 instructions apply to each defendant and to each count unless a
24 specific instruction states that it applies only to a
25 specific count -- specific defendant or count.

1 Charts and summaries have been admitted in evidence.
2 Charts and summaries are only as good as the underlying
3 supporting material. You should therefore give them only such
4 weight as you think the underlying material deserves.

5 Sean David Morton has decided to represent himself in
6 this trial and not to use the services of a lawyer. He has a
7 constitutional right to do that. His decision has no bearing
8 on whether he is guilty or not guilty, and it must not affect
9 your consideration of the case. Because Sean David Morton has
10 decided to act as his own lawyer, you will hear him speak at
11 various times -- or you have during the trial. He has asked
12 questions and made objections and argued to the court. I want
13 to remind you that when Sean David Morton spoke during the
14 trial, he is acting as a lawyer in the case, and his words are
15 not evidence. The only evidence in this case comes from
16 witnesses who testify under oath on the witness stand and from
17 exhibits that are admitted. Mr. Morton did testify as a
18 witness. His testimony is evidence just like the testimony of
19 any other witness.

20 The defendants are charged in the count one of the
21 superseding indictment with conspiring to defraud the United
22 States by obstructing the lawful functions of the Internal
23 Revenue Service by deceitful or dishonest means in violation of
24 Section 371 of Title 18 of the United States Code. In order
25 for the defendants to be found guilty of that charge, the

1 government must prove each of the following elements beyond a
2 reasonable doubt: First, beginning in or about March 2009, and
3 continuing at least until -- until in or about April 2013,
4 there was an agreement between defendants to defraud the United
5 States by obstructing the lawful functions of the Internal
6 Revenue Service by deceitful or dishonest means as charged in
7 the superseding indictment; second, defendants became members
8 of the conspiracy knowing of at least one of its objects and
9 intending to help accomplish it; and third, one of the members
10 of the conspiracy performed at least one overt act on or after
11 November 4, 2010, for the purpose of carrying out the
12 conspiracy with all of you agreeing on a particular overt act
13 that you find was committed. An agreement to defraud is an
14 agreement to deceive or to cheat. A conspiracy is a kind of
15 criminal partnership, an agreement of two or more persons to
16 commit one or more crimes. The crime of conspiracy is the
17 agreement to do something unlawful. It does not matter whether
18 the crime agreed upon was committed. For a conspiracy to have
19 existed, it is not necessary that the conspirators made a
20 formal agreement or that they agreed on every detail of the
21 conspiracy. It is not enough, however, that they simply met,
22 discussed matters of common interest, acted in similar ways, or
23 perhaps helped one another. You must find that there was a
24 plan to commit at least one of the crimes alleged in the
25 superseding indictment as an object of the conspiracy with all

1 of you agreeing as to the particular crime which the
2 conspirators agreed to commit. One becomes a member of the
3 conspiracy by willfully participating in the unlawful plan with
4 the intent to advance or further some object or purpose of the
5 conspiracy even though the person does not have full knowledge
6 of all the details of the conspiracy. Furthermore, one who
7 wilfully joins an existing conspiracy is as responsible for it
8 as the originators. On the other hand, one who has no
9 knowledge of a conspiracy but happens to act in a way which
10 furthers some object or purpose of the conspiracy does not
11 thereby become a conspirator. Similarly, a person does not
12 become a conspiracy merely by associating with one or more
13 persons who are conspirators or merely by knowing that a
14 conspiracy exists.

15 An overt act does not itself have to be unlawful. A
16 lawful act may be an element of the conspiracy if it was done
17 for the purpose of carrying out the conspiracy. The government
18 is not required to prove that the defendant personally did one
19 of the overt acts. You must decide whether the conspiracy
20 charged in the superseding indictment existed, and if it did,
21 who at least some of its members were. If you find that the
22 conspiracy charged did not exist, then you must return a not
23 guilty verdict even though you may find that some other
24 conspiracy existed. Similarly, if you find that a defendant
25 was not a member of the charged conspiracy, then you must find

1 that the defendant -- you must find defendant not guilty even
2 though the defendant may have been a member of some other
3 conspiracy.

4 A conspiracy may continue for a long period of time
5 and may include the performance of many transactions. It is
6 not necessary that all members of the conspiracy join it at the
7 same time, and one may become a member of a conspiracy without
8 full knowledge of all the details of the unlawful scheme or the
9 names, identities or locations of all the other members. Even
10 though a defendant did not directly conspire with other
11 conspirators in the overall scheme, the defendant has, in
12 effect, agreed to participate in the conspiracy if the
13 government proves each of the following beyond a reasonable
14 doubt: One, the defendant directly conspired with one or more
15 conspirators to carry out at least one of the objects of the
16 conspiracy; two, the defendant knew, or had to reason to know,
17 that other conspirators were involved with those with whom the
18 defendant directly conspired; three, the defendant had reason
19 to believe that whatever benefits the defendant might get from
20 the conspiracy were probably dependent upon the success of the
21 entire venture. It is not a defense that a person's
22 participation in a conspiracy was minor or for a short time.
23 Before being convicted of a conspiracy, an individual must
24 conspire with at least one co-conspirator.

25 Counts two and three of the superseding indictment

1 charge defendant Sean David Morton with violations of Title 18,
2 United States Code, Section 287. Counts four and five of the
3 superseding indictment charge defendant Melissa Morton with
4 violations of Title 18 United States Code, Section 287.
5 Section 287 of Title 18 of the United States Code provides, in
6 part, as follows: Whoever makes or presents to any person in a
7 civil service of the United States or to any department or
8 agency thereof any claim upon or against the United States or
9 any department or agency thereof knowing such claim to be
10 false, fictitious or fraudulent, is guilty of violation of
11 Title 18, United States Code, Section 287.

12 In order for defendants, Sean David Morton and
13 Melissa, to be found guilty of making a false claim against the
14 United States as charged in counts two and three of superseding
15 indictment and for defendant Sean David Morton in counts four
16 and five -- there's something not quite right about the
17 language in this part.

18 Approach the sidebar.

19 (Proceedings held at sidebar:)

20 THE COURT: Doesn't make sense to me. Should it --

21 MS. MAKAREWICZ: Two and three are for Mr. Morton.

22 Counts four and five are for Mrs. --

23 THE COURT: Sean David Morton --

24 MS. MAKAREWICZ: And Melissa Morton. Trying to parse
25 the two counts.

1 THE COURT: "In order for the" --

2 MS. MAKAREWICZ: You can remove "as charged in counts
3 two and three" and just go to the government here, Your Honor.
4 You could omit "between."

5 THE COURT: Take all of that out.

6 MS. MAKAREWICZ: -- the commas --

7 THE COURT: Okay.

8 (Proceedings resumed in open court)

9 THE COURT: Relating that instruction from the start.

10 In order for defendants Sean David Morton and Melissa
11 Morton to be found guilty of making a false claim against the
12 United States, the government must prove each of the following
13 elements beyond a reasonable doubt: First the defendant
14 presented or caused to be presented a claim against the United
15 States or agency of the United States; second, the claim was
16 false, fictitious or fraudulent; and third, the defendant knew
17 that the claim was false, fictitious or fraudulent. A
18 statement is false or fictitious if untrue when made and then
19 known to be untrue by the person making it or causing it to be
20 made. A statement or representation is fraudulent if known to
21 be untrue and made or caused to be made with the intent to
22 deceive the government agency to whom submitted.

23 Title 18 United States Code, Section 287 makes it a
24 federal crime or offense for anyone to knowingly make a false,
25 fictitious or fraudulent claim against any department or agency

1 of the United States. You are instructed that the Internal
2 Revenue Service is a department or agency of the United States
3 within the meaning of that law. You are further instructed
4 that a tax return seeking a refund is claim against the United
5 States. Furthermore, defendants may be found guilty of the
6 offense of making a false claim against the government even if
7 there is no proof that the claim has been honored by the United
8 States.

9 An act is done knowingly if the defendant is aware of
10 the act and does not act through ignorance, mistake or
11 accident. You may consider evidence of the defendant's words,
12 acts or omissions along with all the other evidence in deciding
13 whether the defendants acted knowingly. You may determine
14 whether a defendant had an honest good faith belief in the
15 truth of the claims he or she committed in determining whether
16 on or not the defendant acted with intent to defraud. This is
17 so even if the defendant's belief is not objectively
18 reasonable. The fact that an individual's name is signed to a
19 return is *prima facie* evidence for all purposes that the return
20 was actually signed by that person. In other words, you may
21 infer and find that a tax return was in fact signed by the
22 person whose name appears to be signed to it. You are not
23 required, however, to accept any such inference or make such --
24 or to make any such finding.

25 Count six, seven and counts nine through 32 of the

1 superseding indictment charge defendant Sean David Morton with
2 violations of Title 18 United States Code, Section 514. Count
3 eight and counts 33 through 56 of the superseding indictment
4 charge Melissa Morton with violations of Title 18 United States
5 Code, Section 514. Section 514 of Title 18 of the United
6 States Code provides in part as follows: Whoever with the
7 intent to defraud passes, utters, presents, offers, brokers
8 issues, sells or attempts or causes the same or with like
9 intent possesses within the United States any false or
10 fictitious instrument, document or other item appearing,
11 representing, purporting or contriving through scheme or
12 artifice to be an actual security or other financial instrument
13 issued under the authority of the United States, a foreign
14 government, a state or other political subdivision of the
15 United States or an organization is guilty of Title 18 United
16 States Code, Section 514.

17 Counts two and three of the superseding indictment
18 relating to defendant Sean David Morton, and counts four and
19 counts four -- and counts four and five of the superseding
20 indictment relating to Melissa Morton charge defendant with
21 knowingly passing, uttering, presenting or offering or
22 attempting to pass, utter, present or offering, a false or
23 fictitious financial instrument. In order for defendant Sean
24 David Morton and Melissa Morton to be found guilty of this
25 crime, the government must prove each of the following elements

1 beyond a reasonable doubt: First, that the defendant passed,
2 uttered, presented or offered or attempted to pass, utter,
3 present or offer the false or fictitious instrument, document
4 or other items identified in the superseding indictment;
5 second, that the instrument, document or other items appeared,
6 represented, purported or contrived a scheme or artifice to be
7 an actual security or other financial instrument issued under
8 the authority of the United States or other political
9 subdivision of the United States; and third, the defendant did
10 so with the intent to defraud.

11 MS. MAKAREWICZ: I'm sorry, Your Honor. May I
12 interject and ask for a sidebar, sir?

13 THE COURT: All right.

14 (Proceedings held at sidebar:)

15 MS. MAKAREWICZ: There was a typographical error on
16 the last instruction. It's not count two and three, it's six
17 and seven, and count eight for Melissa Morton. Only count
18 eight for Melissa Morton.

19 THE COURT: That's not good.

20 MS. MAKAREWICZ: Thank you, Your Honor.

21 (Proceedings resumed in open court)

22 THE COURT: Was there a typographical error in that
23 instruction so I'm going to reread it to you in its correct
24 form. Of course, you will get it in its correct form.

25 Counts six and seven of the superseding indictment

1 relating to defendant relate to Sean David Morton, and count
2 eight of the superseding indictment relates to Melissa Morton.
3 In order for defendants Sean David Morton and Melissa Morton to
4 be found guilty of this crime, the government must prove each
5 of the following elements beyond a reasonable doubt: First,
6 that the defendant passed, uttered, presented, or offered or
7 attempted to pass, utter, present or offer the false or
8 fictitious instrument, document, or other items identified in
9 the superseding indictment; second, that the instrument,
10 document or other items appeared, presented, purported or
11 contrived through scheme or artifice to be an actual security
12 or other financial instrument issued under the authority of the
13 United States or other political subdivision of the United
14 States; and third, that the defendant did so with the intent to
15 defraud.

16 Under the first element of this offense, fictitious
17 instruments are not those which are counterfeits of already
18 existing documents, rather they are those which do not actually
19 exist anywhere in commerce. The nonexistence of such documents
20 is unknown by, and not revealed to, the intended recipient of
21 the document. Such obligations are illegal regardless of their
22 status as negotiable or nonnegotiable. The term "passing"
23 means to give an obligation in payment or exchange for
24 something. The term "uttering" means to declare an obligation
25 is good or to offer to show that it is good. It means putting

1 or sending into circulation but does not require proof that
2 anything of value was received in exchange for the obligation.
3 To merely show an obligation without an offer to pass it is not
4 to utter it. An obligation is uttered when it is delivered for
5 the purpose of being passed. The term "instrument" means a
6 written, legal document that defines rights, duties,
7 entailments, or liabilities such as a statute, contract, will,
8 promissory note, or share or certificate.

9 In commercial law, an instrument is an unconditional
10 promise or order to pay a fixed amount of money with or without
11 interest or other fixed charges described in the promise or
12 order. Commercial paper or a security or any other writing
13 that evidences a right to the payment of money, and that is not
14 itself a security, agreement or lease, but that is of a type
15 that, in the ordinary course of business, is transferred by
16 delivery with any necessary endorsement or assignment.

17 A fictitious obligation is also one that appears to
18 be actual in the sense that it bears a family resemblance to
19 genuine financial instruments containing enough of the various
20 hallmarks and indicia of financial obligations such that they
21 objectively appear within that class. Such hallmarks include,
22 but are not limited to, official seals, serial numbers,
23 portraits of government buildings or states, persons, symbols
24 or models of the issuing nation or entity; official signatures;
25 dates of issue; and statements to the affect that the document

1 shall serve as legal tender or be redeemable for something of
2 value. Fictitious obligations include even bogus obligations
3 that a prudent person might, upon consideration, be unlikely to
4 accept as genuine so long as those documents bear a family
5 resemblance to actual financial obligations. An artifice is a
6 clever plan or idea, especially one intended to deceive.

7 The government must also prove beyond a reasonable
8 doubt that the defendants acted with fraudulent intent. If a
9 person acts with intent to defraud, it means to act with intent
10 to deceive or cheat ordinarily for the purpose of causing some
11 financial loss to another or bringing about some financial gain
12 to oneself. It is not necessary, however, to prove that the
13 United States or anyone was in fact defrauded or suffered a
14 loss so long as it is established that the defendants acted
15 with the intent to defraud. The term "security" means a note,
16 stock certificate, Treasury stock certificate, bond, Treasury
17 bond, debenture, certificate of deposit, interest coupon, bill,
18 check, draft, warrant, debit instrument, as defined in Section
19 916 (c) of the Electronic Funds Transfer Act. Money order,
20 travelers check, letters of crediting -- why I am reading all
21 those items when the only item in question here is the
22 debenture, correct? Is that right, coupon?

23 MR. BRODY: Yes, Your Honor. I believe that's
24 correct.

25 THE COURT: I'm reading you definitions, but there's

1 no evidence in the case about a lot of these things; they're
2 just in the statute. You have heard that the instruments that
3 are for your consideration are the bond and the coupon,
4 correct?

5 MS. MAKAREWICZ: Yes, Your Honor.

6 THE COURT: And those are alleged to be the false
7 instrument.

8 Title 18 United States Code, Section 2 (b) provides,
9 in pertinent part: Whoever willfully causes an act to be done
10 which, if directly proved by him or another, would be an
11 offense against the United States is punishable as a principal.

12 I'm going to have to call a brief recess. I have to
13 reorganization some things, for about five or ten minutes.
14 Thank you.

15 (Proceedings held outside the presence of the jury:)

16 THE COURT: Was there an instruction -- give me five
17 minutes.

18 (Open Court - Jury Present)

19 THE COURT: We're present with counsel. In the last
20 instruction, 2(b) as I --

21 MR. BRODY: I'm sorry, Your Honor. Mr. Morton and
22 Mrs. Morton are not here -- here they are.

23 DEFENDANT SEAN DAVID MORTON: Pardon me, Judge.

24 THE COURT: Yes.

25 As I read the instruction regarding causing an act to

1 be done, section 2(b), and then the follow section, it appeared
2 to me that just giving that instruction bear bones would not
3 guide the jury adequately. So I intend to add to that
4 instruction the following. And I'm only going to -- and it
5 says "Defendant is charged in count two through 56." I think
6 it should be nine through 56. That's No. 1.

7 Do you see that, Mr. Brody?

8 MS. MAKAREWICZ: The indictment charges Section 2(b)
9 starting at count two, Your Honor.

10 THE COURT: Yeah, I'm not going to give that. It's
11 too confusing.

12 MS. MAKAREWICZ: Okay.

13 THE COURT: I'm going to start with count nine
14 through 56.

15 Do you see that, Mr. Brody?

16 MR. BRODY: Yes -- yes, Your Honor.

17 THE COURT: Next to the last instruction.

18 MR. BRODY: Yes, Your Honor.

19 THE COURT: And then I'm going to add to that
20 instruction this language -- before I do it, I want you to hear
21 it -- "These counts relate to the alleged fictitious bonds in
22 the names of persons other than defendants. First, you must
23 determine whether, based upon my previous instructions, those
24 bonds were false or fictitious. If you find that they were
25 false or fictitious, as previously defined, then you should

1 determine whether the defendants caused others to pass, utter,
2 or present those instruments as those terms were previously
3 defined."

4 MR. BRODY: I have no objection to that, Your Honor.

5 THE COURT: Okay.

6 Call the jury back.

7 MS. MAKAREWICZ: While we're waiting for the jury to
8 return, may I discuss a small housekeeping matter with respect
9 to the verdict forms?

10 THE COURT: No.

11 (Open Court - Jury Present)

12 THE COURT: Sorry for the brief interruption. I only
13 have three short instructions to give you. As I said, you will
14 have copies to consult.

15 Title 18 United States Code, Section 2(b) provides,
16 in pertinent part: Whoever willfully causes an act to be done
17 which is directly performed by him or another would be an
18 offense against the United States is punishable as a principal.

19 The defendants are charged in counts nine through 56
20 of the superseding indictment with causing an act to be done,
21 in violation of Title 18 United States Code, Section 2(b). In
22 order for defendants to be guilty of that charge, the
23 government must prove the following elements beyond a
24 reasonable doubt: First, defendants wilfully caused an act to
25 be done by another person; and second, if the defendants had

1 performed the act, it would have been an offense against the
2 United States.

3 These counts to which I just read this instruct,
4 relate to the alleged fictitious bonds in the names of persons
5 other than the defendants. First, you must determine, based
6 upon my previous instructions, whether those bonds were false
7 or fictitious. If you find that they were false or fictitious
8 as previously defined, then you should determine whether the
9 defendants caused others to pass, utter or present those
10 instruments as those terms were previously defined.

11 "Willfully" as used in Title 18 United States Code,
12 Section 2(b) mean purposefully causing an act to be done.

13 Now, I have some parting instructions to deliver to
14 you regarding how you organize yourselves, communicate with me
15 and so forth, but I'll await giving you those instructions
16 until after the lawyers have had a chance to deliver their
17 final arguments.

18 First we'll hear from the government.

19 MS. MAKAREWICZ: Ladies and gentlemen, a few days
20 ago, my colleague stood here and told you that this case was
21 about two things: False tax returns and false bonds. Over the
22 course of this trial, we've presented you with a lot of
23 exhibits, witnesses and a lot of numbers. In the first part of
24 our case, our job is to prove to you beyond a reasonable doubt
25 that defendants filed false tax returns and false bonds with

1 the IRS. The second part of the case, our job was to prove to
2 you beyond a reasonable doubt that defendants made and passed
3 fake bonds on behalf of others to pay off mortgages, credit
4 cards and taxes. We've presented this evidence to prove to you
5 that defendants knew all along what they were doing: They knew
6 the numbers on the returns were false, that the OID forms were
7 false, and that the bonds were false.

8 Defendants will argue shortly that what they really
9 truly believed that all of this was legal. Not only have we
10 shown you actual proof that they disregarded warning after
11 warning, telling them that what they were doing was wrong and
12 illegal, but we've also shown you proof of how their actions,
13 their own actions, show you that they knew it was illegal.
14 They told everyone that what they were doing was legal, but
15 their actions show they knew it wasn't. They didn't keep going
16 because they believed it would work, they kept going because
17 they new one return, one bond, would slip through and work
18 because it had that one time. Now, the court has just
19 instructed you as to the law that you are to apply to this
20 case, and I am going to show you under that very law the
21 evidence you heard proves the defendant's guilt beyond a
22 reasonable doubt to the charges now before you. I'm here to
23 assist you to help you see how the evidence fits into the
24 elements of crime defendants now face. So let's get to it.

25 Let's start with the fake tax returns they submitted

1 to the IRS as part of their conspiracy to defraud the United
2 States. Defendant attempted to scam the IRS and turn false
3 income tax returns into real cash by seeking fraudulent
4 refunds. Defendants' scheme for the false returns was carried
5 over a time period, a time line that stretched from March 2009
6 through April 2nd, 2013.

7 There's really no dispute that all the returns that
8 defendants submitted were false, I submit to you, but let's
9 briefly break them down and see how they fit into the case that
10 the government's presented to you.

11 The first batch of returns filed around March and
12 April 2009, defendant Sean David Morton filed 2005, 2006, 2007,
13 and 2008, four returns, and the total refunds claimed was over
14 \$3.9 million. Defendant Melissa Morton filed 2007 returns,
15 same idea, same made-up numbers. Her refund claim: \$12,000.
16 They did it together, lockstep, same scheme, fake same OIDs,
17 same request for refund of tax they didn't pay. I submit to
18 you defendants wanted actual tangible money, not pieces of
19 paper.

20 Ms. Morgan, our first witness from the IRS Service
21 Center, testified that the IRS received these returns. She
22 testified that IRS records show the defendants didn't have any
23 form 1099-OID interest income or any federal income tax paid to
24 the IRS for any of these years despite what defendants put on
25 their returns. You heard from representatives from the bank

1 who corroborated those records. Now, as you heard, the IRS
2 stopped all the refunds with the false 1099-OID except for that
3 one. On April 17, 2009, defendants hit the jackpot: The
4 \$480,000 from Sean Morton's 2008 income tax return deposited
5 into defendant's joint account with Washington Mutual ending
6 3324. What did they do? They made sure the IRS couldn't get
7 it back. The IRS would know about the joint account ending
8 3324 because that's the account that Sean David Morton listed
9 on the return that generated the refund. It's too easy. So
10 they went down to the branch office and opened up two more
11 joint accounts together; they were both present. Account 4249;
12 account 5891, signed by the defendants on the signature card on
13 the same day. The same bank accounts that defendant Sean David
14 Morton used a tax payer identification number that Kristy
15 Morgan couldn't find in the IDRS system. On that day,
16 defendants transferred 90 percent of the money out of that
17 account. Two new accounts, one withdrawal, two transfers, by
18 both defendants. Armed with these new accounts, Melissa Morton
19 transferred 110,000 into the new account ending 4249 and
20 250,000 into the new account ending 5891. Meanwhile, Sean
21 David Morton withdrew \$70,000 in cash. I submit to you it
22 wasn't just one defendant or the other that made these
23 withdrawals and transfers, it was both. They both did it.

24 At the close of business on April 17, 2009, the
25 balance of the account that was known to the IRS, 3324, which

1 earlier that day had \$480,000 deposited, was down to a mere
2 41,000, less than ten percent of the refund issued by the IRS.
3 And as you can see by the bank statements at the end of the
4 statement period, it was only 15,000 left. I submit that the
5 subterfuge just didn't stop by moving the refund into different
6 accounts; it continued after the initial transfers of 110,000
7 and 250,000 into these brand-new accounts. Let's take a look
8 at what happened.

9 Q. For the 4249 account, the account that Melissa transferred
10 the 110,000, between 4/17/09 and 6/8/09, less than two months,
11 defendants deplete the account by spending it or transferring
12 the money out by various wires; so in that short time, the
13 initial 110,000 was down to 9800 -- eventually, at the end of
14 this period, it was down to 9800. And as for the account 5891,
15 the dissipation of the \$250,000 Melissa had transferred, went
16 even quicker.

17 Three days after the initial transfer, on 4/20/09,
18 Sean David Morton transfers out \$23,000, and on May 15,
19 defendant Melissa Morton withdraws \$200,000. It's gone, out of
20 the reach of the IRS, because soon thereafter the IRS came to
21 get it. Halloween 2010, the IRS levied the defendants' joint
22 account 3324 because the defendants are in receipt of an
23 erroneous refund. Three days later, Sean David Morton --

24 MR. BRODY: Object, Your Honor, to the statement that
25 defendant's in receipt of erroneous refunds. That misstates

1 the evidence.

2 THE COURT: Overruled.

3 MS. MAKAREWICZ: Three days later, Sean David Morton
4 writes this letter --

5 THE COURT: I think it's argument. That's why I
6 overruled your objection, not because it is fact. It's
7 argument.

8 MR. BRODY: Thank you, Your Honor.

9 MS. MAKAREWICZ: Three days later, Sean David Morton
10 writes this letter to the IRS denying that he had anything to
11 do with the joint account where he put the refund, denying that
12 the defendants did anything wrong.

13 Recall IRS FIRE specialist Mark Everson. Everson
14 told you that the 1099s that were submitted on the FIRE system
15 didn't come from the banks. Everson told you that the TCC
16 number that transferred -- or that transmitted those
17 information returns belonged to one person: Garrett Adams,
18 the brother of this man, Brandon Adams, the guy who laughed
19 with the defendants about how he had an IRS criminal
20 investigation special agent's phone number in his phone; and
21 with Melissa Morton sitting by his side, Sean David Morton
22 acknowledged he had been warned by attorneys that what they
23 were doing was illegal, like the IRS --

24 DEFENDANT SEAN DAVID MORTON: Objection, Your Honor.
25 That's not what was said.

1 THE COURT: Overruled.

2 MS. MAKAREWICZ: -- like the IRS would tell them over
3 and over again. The first letter that Sean David Morton
4 received from the IRS told him the OID returns were frivolous,
5 and if he continued, he'd be fined \$5,000 per return filed.
6 The IRS in this letter even gave Mr. Morton a chance, one last
7 chance, to reconsider filing these returns. It told
8 Mr. Morton, If you want to try again and file a correct return,
9 we won't assess a frivolous filing penalty against you. I
10 submit defendant Sean David Morton disregarded this offer.
11 Kristy Morgan told you that Sean David Morton had 19 separate
12 penalty assessments against him for filing frivolous tax
13 returns, and defendant Melissa Morton had 14, a total of
14 \$165,000 in penalties alone for filing frivolous returns.
15 That's how many times defendants disregarded the law, ladies
16 and gentlemen.

17 In August 2010, defendants tried it again. They
18 really didn't change their approach. They submitted the same
19 returns that they had in the first set, signed and dated them
20 and mailed them to the IRS. The only real difference with
21 these returns was that defendants didn't include any bank
22 accounts where, if tricked again, the IRS could directly
23 deposit the erroneous refunds. I submit why didn't they have
24 money deposited into a bank account? The defendants had
25 several to choose from. I submit to you an easy explanation:

1 If the IRS was tricked again, the defendants didn't want the
2 IRS to have any more information from which they could try to
3 collect that erroneous refund. You heard Kristy Morgan say
4 that if no bank account is listed on your return, you'll get
5 issued a paper check, but this time IRS wasn't tricked; no
6 refunds were issued, but the IRS did issue defendants
7 something: Notices, two each of them, with the consequences of
8 their actions explicitly clear: "Please be advised that people
9 who violate the tax laws may be subject to federal criminal
10 prosecution and imprisonment."

11 But the defendants didn't give up; they tried again;
12 they both tried again, but this time, I submit, it was go for
13 broke. They filed returns in November and December 2010. The
14 numbers were larger, the refunds bigger. The returns didn't
15 list any bank accounts. But in this set of returns, they
16 didn't even follow their own scheme. Defendants didn't report
17 any fake OID income. All they reported was fake withholding.
18 I submit you to, ladies and gentlemen, defendants didn't even
19 make a token effort to show that the returns were anything
20 other than what they were: A grab for money. At this point,
21 it didn't matter what defendants filed; it didn't matter to the
22 defendants. I submit the IRS was a slot machine. Defendants
23 kept putting in the coins and keep hitting spin, keep playing
24 until you hit that jackpot.

25 But at this time, it wasn't just fake returns filed.

1 Now defendant Sean David Morton submitted a check for
2 5.2 million, a check that William Kerr, a fraud examiner,
3 determined in his opinion was fictitious and completely
4 fabricated. Nevertheless, as Mr. Kerr told you, it contained
5 marks of legitimacy that made it appear that it was an actual
6 financial instrument issued under the authority of the United
7 States, but neither defendant has any authority to back up that
8 obligation. So this leads us to certain charges against the
9 defendants that I would like to highlight for you.

10 THE COURT: You said something about neither
11 defendant has anything to back that up. As I told the jury,
12 defendants don't have to present any evidence.

13 MS. MAKAREWICZ: Yes, Your Honor.

14 THE COURT: I didn't want to interrupt your argument,
15 but I wanted to make it clear because of what you said that the
16 defendants are not obligated to present any evidence in this
17 case. It's the government's obligation. You understand that.

18 MS. MAKAREWICZ: Yes, sir, and my statement was poor.
19 My point was that neither defendants have the authority to
20 obligate treasury funds.

21 This leads us to certain charges against the
22 defendants that I would like to highlight for you.

23 In the November 2010 batch of returns are the 2006
24 return filed by Sean David Morton and the 2007 returns from
25 Melissa Morton, which are the returns that the government

1 charged in counts two and four found at Exhibit 15 and 17.
2 You've just heard the instructions regarding the elements of
3 this crime. Despite no record of OID income or withholding,
4 the defendants submitted the false returns to the IRS. They
5 were false claims, which you were told by Mr. Kerr and now by
6 the court, is an agency of the government.

7 Also in this set of returns is the submission of the
8 bogus check by Sean David Morton for \$5.2 million at count six
9 and Exhibit 14.

10 After the submissions of the November returns, both
11 defendants submitted another claim for refund to the IRS. This
12 time on a different form actually entitled "Claim for refund."
13 On June 26, defendant submitted the same form -- sean David
14 Morton for 2006; Melissa Morton for 2007 -- requesting refunds.
15 Same day, same form, same false claim for refund. These two
16 are the counts three and four, Exhibits 18 and 19.

17 Lastly, are the events that took place on April 2nd,
18 2013, which are the subjects of count seven against Sean David
19 Morton and count eight against Melissa Morton. Same day, same
20 bond. The last charge in relation to this part of this scheme
21 starts with the first: Count one. Here, the defendants are
22 charged with conspiracy to defraud the United States. I submit
23 you to, ladies and gentlemen, for all of the reasons I've just
24 enumerated: The first set of returns; the issue of the
25 \$480,000 refund; the rapid transfer and withdrawals of that

1 refund; the disregarded warning from the IRS; the second set of
2 returns; another disregarded stronger warning from the IRS; the
3 third set of returns; the fake check; the claims for refund;
4 and the fake bonds.

5 I submit, ladies and gentlemen, that all of these
6 actions taken together prove that the defendants conspired to
7 defraud the United States. The object of their conspiracy is
8 obvious: To get them cash, real money, from the IRS based on
9 the full, faith and credit of the people of the United States.

10 I submit defendants were lock step together in this
11 conspiracy. Each time they both took the same actions to get
12 the same results. Three sets of returns; one set of claim for
13 refunds; one set of bonds; on or about the same dates. Every
14 time defendant mailed something to the IRS, whether it was a
15 tax return, claim for a refund, check, bond, they agreed to do
16 something unlawful. The evidence is clear that both of them
17 had the same object: To deceive and cheat the IRS out of
18 whatever taxpayer dollars they could get.

19 I submit all of this evidence, ladies and gentlemen,
20 to show that the defendants had a clear plan to deceive the
21 United States; they were in it together. The numbers may be
22 different, but they did the same actions. I submit these
23 charges, one through eight, the government has proven beyond a
24 reasonable doubt. But just as my co-counsel told you a few
25 days ago, we're not done. Defendants now turn to the second

1 part of their scheme: The selling, production and mailing fake
2 bonds, which they sold to numerous people as a way to get out
3 of their commercial debt.

4 The government has charged each defendant with
5 making, producing, presenting and offering false bonds for the
6 various clients that paid thousands of dollars to get worthless
7 pieces of paper. Counts nine through 32 relate to Sean David
8 Morton, and counts 33 through 56 relate to Melissa Morton, but
9 they're the exact same with respect to the clients that the
10 Mortons made and mailed bonds for. They were both on the
11 bonds. We went through them one by one with Mr. Kerr on
12 Wednesday. He signed them; she notarized. You heard her
13 explain that just like the bonds the defendant submitted to the
14 IRS, these other bonds were not legitimate financial
15 instruments. Defendants made these bonds with instructions to
16 draw upon Treasury accounts that the defendants or their
17 clients have no access to. The bonds that Agent Kirsling
18 talked to you about also on Wednesday that were found on the
19 computer in defendant's apartment, Word file after Word file,
20 template after template saved under the user profile "Melissa."
21 You heard Barbara Lavender tell you that the first bond she
22 received from defendant Melissa Morton didn't even have her
23 correct information. I submit to you that's how much they
24 cared about the integrity of their product they sold to
25 Ms. Lavender for \$2500.

1 Just like the bonds submitted to the IRS, you heard
2 that these bonds didn't work. We had representatives from
3 various banks: CitiMortgage, Chase, and PennyMac Bank who
4 corroborated this fact. There's one more point regarding these
5 bonds I'd like to make.

6 Remember the original bond that I showed Mr. Kerr,
7 the one that Sean David Morton sent to the California Franchise
8 Tax Board. This is the bond that the government has charged
9 each defendant with its creation and passing at counts 10 and
10 34. You heard special agent Yoo who found the bond file. In
11 Exhibit 58, which is in evidence, the file that was found with
12 the search warrant, you'll find a letter from the Franchise Tax
13 Board to Sean David Morton acknowledging their receipt of the
14 original bond, the one that I showed Mr. Kerr, and the FTB
15 rejected it. The letter is dated September 25th, 2014. The
16 government has charged defendants with making and passing three
17 bonds prior to this date, and the FTB rejecting this bond.
18 This letter, just like the letters defendants got from the IRS,
19 didn't stop them.

20 The government has charged defendants with making and
21 passing 21 bonds after the date of this letter. I submit to
22 you, ladies and gentlemen, the defendants knew their bonds were
23 junk, but it didn't deter defendants from selling their bonds
24 to other people. In fact, just the opposite. Exhibit 32,
25 you'll see the bank records from Heaven & Earth, the entity

1 that the defendants co-owned, and you'll find check after check
2 from the bond clients who paid \$2500 for paper that Mr. Kerr
3 said you can buy at Staples.

4 You heard in the past few days about things that are
5 real and genuine and things that are fraudulent and
6 illegitimate. You've seen the defendant use forms for fake
7 income; fake withholding; fake EINs; fake TINs; but ladies and
8 gentlemen, you know what real is? Real is the \$480,000
9 deposited into defendants' bank account, and check after check
10 defendants cashed from their client for their bond package.

11 In a few moments defendants still stand here before
12 you just like I am and argue that they had a good faith basis
13 to believe all of this. Ladies and gentlemen, I submit to you
14 there was no good faith basis by either defendant, none. Both
15 defendants were active participants in their schemes, whether
16 it be with respect to the OID scheme or the bond scheme. They
17 did it together each and every step. They will want you to
18 believe that they thought it was legal, but their actions show
19 they knew it wasn't; and the government has proven that beyond
20 a reasonable doubt.

21 For all of the crimes alleged in the superseding
22 indictment, return a verdict and find the defendants guilty on
23 all counts.

24 THE COURT: How do the defendants proceed to argue,
25 in what order?

1 MR. BRODY: I plan to argue first, Your Honor.

2 THE COURT: All right. Go ahead.

3 MR. BRODY: Thank you, Your Honor.

4 Good morning, ladies and gentlemen. Thank you again
5 for your time in this case and for your careful attention to
6 the evidence.

7 You've seen all the evidence at this point, and it's
8 time now for you to consider it and make your decision. When
9 we started, I told you -- I asked you, if you would, to look
10 closely at the government's case but look for what's missing
11 there; and there's a huge hole in the government's case.

12 Now, we can talk about the elements of the crimes; we
13 can go through the specifics of the conspiracy; we can talk
14 about the definition of instrument; the definition of
15 fictitious, all of these things; but what this case is really
16 about is what Melissa Morton believed when she submitted those
17 claims to the IRS and what she believed when she sent out those
18 bonds.

19 The government has to prove beyond a reasonable doubt
20 that she acted in bad faith. The government has to prove
21 beyond a reasonable doubt that she knew those claims were
22 false, that she knew those bonds were worthless and was trying
23 to commit a fraud when she did that. Now, what did they bring
24 you to show that? Virtually nothing. Let's talk for a moment
25 about the search of the Mortons' home. The government referred

1 to that in their closing statement.

2 There were some ten-plus IRS agents there. They
3 seized the computers; they seized hard drives; they seized
4 telephones; they made a forensic copy of those hard drives;
5 they were able to search them for months on end; they had,
6 according to their expert, millions, millions of files; and
7 they didn't turn up one email, one text message, one letter,
8 one chat message, one voice mail, nothing, so much as
9 suggesting that at any point Melissa Morton said something
10 like, You know, I wonder if this is legitimate, or Hey, listen,
11 we've got some great scam here going, and, you know, this is a
12 great way to get money from the government. It's a little
13 shady, but it works. Nothing, not one admission of any kind in
14 millions of documents that they searched through.

15 And they didn't bring you a witness to say anything
16 like that either. They didn't bring you one witness who could
17 ever say that Melissa Morton ever said anything to suggest that
18 she knew any of this was a scam. I think that's really
19 important. They didn't have one person who they could bring in
20 here and say, Yeah, you know what she said to me is this a
21 great scheme or this is a scam, or I'm not sure if this is
22 legal, nothing, not one person, not one witness out of all of
23 the people the Mortons seemed to interact with that they
24 couldn't bring you one person.

25 They brought the expert witness, Mr. Kerr, and we had

1 some lively back-and-forth between Mr. Kerr and Mr. Morton.
2 But in the end, what did we learn from Mr. Kerr? We learned
3 that the bonds were false. Now, how did we know that? We
4 learned that the coupon wasn't legitimate, we learned that the
5 bonds were false, and we learned that he knew that because he
6 has some 30-plus years in finance and banking; Melissa Morton
7 didn't have the benefit of that. William Kerr can look at
8 those bonds and say, Okay. You know, the exchange
9 stabilization fund doesn't have the power to transfer money to
10 the International Monetary Fund, to the ICC, or whatever it
11 was. Melissa Morton doesn't have the benefit of that
12 knowledge; the government certainly hasn't shown anything to
13 that affect.

14 None of their evidence -- none of their evidence of
15 supposed fraud, of supposed knowledge of fraud, or knowledge of
16 the falsity of these instruments, really holds any water. The
17 argument that they moved this money very quickly after they got
18 it is a total red herring. Mr. Morton testified that he
19 received that check as a paper check, and he went to the bank,
20 and he deposited it, and then they transferred money, they took
21 money out, just like anybody might do with money that they
22 thought was theirs. And Mr. Morton said it was for some kind
23 of investment with entertainment or something like that, fine.
24 So what? Whatever. Doesn't matter. They did with that money
25 what they wanted because they thought it was theirs. That's

1 not evidence of anything.

2 They said, All right, Ms. Morton was present when
3 Sean Morton at that -- at that Brandon Adams lecture, said
4 attorneys had warned him. Okay. Well, what attorneys? Were
5 they credible? What did they say? Did the Mortons consult any
6 of their own attorneys? Well, we know they didn't really feel
7 like they had to; they felt that they were surrounded by
8 experts on the subject.

9 Yeah, Mr. Morton was kind of gloating there, and
10 Brandon Adams was kind of gloating there too. We found a
11 loophole; we're clever; we figured it out; we got something
12 all the other people who are afraid of the scare crow aren't
13 doing we found a hoop hole. That's arrogant I'll give you that
14 but it is not criminal. It is not criminal.

15 We saw that after the IRS started coming after
16 Mr. Morton for money, that he sent them a coupon for \$5
17 million, and Melissa Morton -- \$5 million plus, and Melissa
18 Morton for some \$4400- dollars. Those amounts were way in
19 excess of what was owed to the IRS. I mean, that check or --
20 pardon me, that check -- that coupon for \$5 million-plus, I
21 mean, of course it's ridiculous. It's ridiculous, and you
22 don't send something like to the IRS unless there's some
23 tortured, twisted logic behind it that you think makes sense.
24 It just doesn't make sense otherwise. And that is exactly the
25 story in this case.

1 We heard that Melissa Morton was surrounded by really
2 an almost cult-like group of finance gurus, of tax and
3 economics supposed specialists, people who seemed very
4 knowledgeable, people who kind of strutted back and forth on
5 the stage with an answer for everything with clever stories
6 about how they -- you know, they put one over on this person,
7 and they're so brilliant. You know, the IRS guy even said
8 "You're so clever" to Mr. Shrout.

9 These people were convincing: Brandon Adams, Garrett
10 Adams, Winston Schrout, Jack Smith, Gordon Hall, people with
11 hundreds of followers, and they weren't giving these lectures,
12 you know, in a basement at midnight with the lights turned
13 down. I mean, this was out in the open. This was hundreds of
14 people attending lectures at hotels.

15 And I think, very importantly, Melissa Morton was
16 clearly listening, listening closely to those lectures,
17 listening closely to Brandon Adams, and that I think is very
18 clear from her notes, notes in her handwriting, 37 pages of
19 notes on what Brandon Adams' teachings were, thirty-seven pages
20 of meticulous notes.

21 If this OID scheme, if this tax return scheme, was
22 just, Hey, guess what? If you put a big number on this
23 document and you send it to the IRS, there's a reasonable
24 chance you're going to get a big payoff. That was the
25 government's slot machine analogy. If that was your idea -- I

1 mean, that is one-paged scam; that is a five-second lecture,
 2 that is not 37 pages of careful notes, that is not hundreds of
 3 hours that Melissa Morton sat through listening to Brandon
 4 Adams.

5 All of that stuff: The bankruptcy 1933; the Gold
 6 Standard; fractionalization; creating money by writing checks;
 7 using the banks; drawing on your collateral as a U.S. and on
 8 and on and on. It's all nonsense in the plain light of day.
 9 In this courtroom, it's obviously nonsense; but at that time,
 10 people believed it, and Melissa Morton believed it.

11 You know, it's crazy that someone would believe that.
 12 I mean, people say that all the time about all kinds of things,
 13 and people say that about other people's religions. That's
 14 ridiculous, you know. People say that about Scientology, for
 15 example, but we know people believe it, people believe it.

16 We saw evidence from the government's witness Mark
 17 Everson that Brandon Adams and his family were filing hundreds
 18 of these 1099-OID documents on behalf of hundreds of people,
 19 500 people in 2009 alone, and it appeared to work. People were
 20 getting their money back. And of course that bolstered
 21 Ms. Morton's belief that this was legitimate, of course it did.

22 We heard from the government's witness Kristy Morgan
 23 that sometimes the IRS paid out claims before they really fully
 24 audited them, before they'd gone and checked to see did a bank
 25 actually withhold that. They pay out checks of -- you know, as

1 much as \$400,000, millions of dollars, who knows? That's
2 shocking, that's shocking. Who knew that? Who knew that?

3 Well, Kristy Morgan did because she had 30-plus years
4 at the IRS, but if you're the average, ordinary person, and
5 you're submitting these claims, and one of them comes back, and
6 you get \$100,000; 2; \$300,000; \$400,000, I think -- you're
7 going to believe that's evidence -- that's going to bolster
8 your belief in what you're doing. You might think, you know,
9 Yeah, you know? What Brandon Adams is right. This is
10 legitimate. I am entitled to this money.

11 All of this was right out in the open. Melissa
12 Morton sent her returns to the IRS, bonds to the IRS, with her
13 phone number, with an address, with a Social Security number.
14 You certainly didn't hear any evidence from the government that
15 that wasn't her Social Security number, that wasn't her phone
16 number, that wasn't her address. She wasn't trying to hide
17 anything. She was submitting those things to the IRS in the
18 plain light of day. Why? Because she believed it because she
19 was surrounding by all of these -- these people: Brandon
20 Adams; Garrett Adams; Winston Shrout; Jack Smith; Gordon Hall;
21 and, yes, Sean Morton sean David Morton as well. People
22 believed in Sean Morton.

23 Barbara Lavender came in here. She very candidly
24 said that it made sense to her. The way Sean Morton explained
25 it, it made sense to her; she believed it; she thought it was

1 worth a try; she never thought it was illegal. She said, You
2 know what? People find loopholes. Rich people find loopholes.
3 Why not the ordinary person?

4 Carol Meier came in here, too. She believed, as
5 well, She believed in Sean David Morton. She believed in his
6 expertise she still does. She thought he was brilliant; she
7 still thinks he's brilliant.

8 There's absolutely no reason to believe that Melissa
9 Morton didn't think exactly the same thing. Married to Sean
10 Morton for over a decade, nearly two decades with him since
11 they met, since 1998, living together. I'm not here to throw
12 Sean Morton under the bus, but I think you have to imagine the
13 shear onslaught of rhetoric and twisted logic that Melissa
14 Morton was exposed to under those circumstances for years. Of
15 course she began to subscribe to it.

16 Now, it's up to you to decide whether or not
17 Mr. Morton is a true believer or a con artist or whatever. I'm
18 Melissa Morton's attorney. It doesn't matter as to Melissa
19 Morton whether he is a con man, a snake oil salesman, or
20 whether he's a true believer. These are two separate cases.
21 Either way, the defendant is very clear that Melissa Morton had
22 every reason to believe him, just like Barbara Lavender, just
23 like Carol Meier.

24 The judge instructed you, you have to treat their
25 cases separately. They're two separate people. It's not an

1 all or nothing. Yes, Melissa Morton notarized those documents;
2 she mailed them in; she believed; she believed in them; she
3 believed in Sean Morton. He described her as a, quote,
4 "dutiful wife."

5 I want to talk for just a minute about a really
6 critical legal concept in this trial, and that is proof beyond
7 a reasonable doubt. It's the highest standard in the justice
8 system, the highest standard of proof that tests any case that
9 the government brings. It is absolutely the cornerstone of our
10 criminal justice system. You cannot convict somebody of a
11 federal felony, you cannot put that black mark on their record
12 for the rest of their lives, you cannot threaten to take away
13 the freedom without proof beyond a reasonable doubt. The
14 government has to eliminate every reasonable doubt --

15 THE COURT: You know, I meant to tell you this at the
16 outset, Mr. Brody: When it comes to the instructions, my
17 strong preference is that the lawyers refer to the instructions
18 in the exact words I gave them or in parts of them. That
19 wasn't in the instruction.

20 MR. BRODY: Understand, Your Honor.

21 THE COURT: And you can argue the facts as you wish
22 with regard to those instructions, but when either side refers
23 to the instructions, use the exact words I delivered to the
24 jury.

25 MR. BRODY: Your Honor, I'd like to --

1 THE COURT: And no criticism whatsoever was intended
2 so please proceed.

3 MR. BRODY: Thank you, Your Honor. I'd like to argue
4 some relative standards of proof with respect to for beyond a
5 reasonable doubt.

6 THE COURT: No, no.

7 MR. BRODY: Understood, Your Honor.

8 It the incredibly important that you put the
9 government to that test because when you think about this case
10 days from now, weeks from now, even years from now, and you
11 will think about this case years from now, it may not seem like
12 the most exciting case in the world, but you will thing about
13 it.

14 THE COURT: Let me rethink that. You can mention
15 even though it's not in the instruction that in a normal civil
16 case, it's preponderance of the evidence, that is, more likely
17 true than not. In this instruction, the burden is as
18 articulated. Essentially the jury has to have a firm
19 convicting.

20 MR. BRODY: Understood, Your Honor. In fact, I have
21 a slide of the relevant burdens of proof.

22 THE COURT: I wouldn't use that.

23 MR. BRODY: Would you mind reviewing it first, Your
24 Honor?

25 THE COURT: No, I don't think that is required, and I

1 would prefer that you deal with the instruction as given, in
2 whole or in part, and weave it into the evidence as you see
3 fit. I think the instructions are sometimes difficult for the
4 jurors to comprehend because it's a different language, and I
5 want them to remain as I gave them.

6 MR. BRODY: Understood, Your Honor.

7 THE COURT: Yes.

8 MR. BRODY: In light of the instruction that the
9 court has given, I think you can refer to that, and I will say
10 that the government has not come close to establishing that
11 kind of proof in this case. They haven't come close to
12 establishing anything like that with respect to Melissa Morton.

13 I'm not here to tell you that these bonds were, in
14 fact, worth \$10 million or \$100 million or whatever; I'm not
15 here to tell you that that coupon for \$5 million or \$44,000 was
16 a real thing than should have been cashed by the IRS. I'm
17 here to tell you that the government hasn't even come close to
18 proving beyond a reasonable doubt that Melissa Morton knew her
19 claims were false, or that she ever set out to defraud anybody,
20 and that's why she is not guilty. She is not guilty on all
21 counts. Thank you.

22 THE COURT: Thank you, Mr. Brody.

23 We'll take a short recess, and then we'll hear from
24 Mr. Morton and the government's rebuttal.

25 (Open Court - Jury Present)

1 THE COURT: Mr. Morton, do you wish to make your
2 closing argument?

3 DEFENDANT SEAN DAVID MORTON: Yes.

4 Good morning, ladies and gentlemen of the jury. As
5 you know, I'm facing ten lifetimes in prison, 650 years,
6 according to the government, which is the kind of stuff they
7 give to Jeffrey Dahmer and Charles Manson.

8 MS. MAKAREWICZ: Objection, Your Honor.

9 THE COURT: You will shortly hear that punishment, if
10 there is any in this case, is not for you to consider, among
11 other things.

12 Objection is sustained.

13 DEFENDANT SEAN DAVID MORTON: So I'm just saying that
14 right now I'm -- we're pleading for our lives here.

15 Tell you a quick story. We had a blessing really
16 this week. We had -- my wife and I breed and raise and show
17 championship Norwegian Forest cats, like some of the biggest
18 cats you can have without a license; and so we had four kittens
19 and one of the kittens were born a bit premature. So while
20 we're -- all this stuff is going on, all this hell, trying to
21 put things together for the court, trying to put things
22 together for everything else, we're spending late nights with
23 this little baby kitten actually swaddled in a cloth with an
24 eye dropper feeding her milk just to get her to survive. And,
25 unfortunately, because we've had to be here and we couldn't

1 help her, she died a couple of days ago; but I think it just
2 goes to show the kind of people that we try to be, and because
3 a lot of what you're going to have to decide -- I mean, this
4 whole case is going to boil down really to willful intention,
5 You know, were we not doing something we thought was truthful.
6 Was it not something that we were born -- that we were -- that
7 we spiritually knew in our guts and our hearts -- I mean, I'm
8 one of those people that believe that angles watch our every
9 move, that millions of them are here now watching what's
10 happening on this earthly plane.

11 So as to intent, let me give you just a little bit
12 about background and as far as what this is, kind of, all about
13 throughout my entire life and believing in alternative things
14 for so many years and then presenting them to the public --
15 right or wrong -- and then having them become mainstream in
16 1974, way back in the day. We had the jack-booted thugs of the
17 Food and Drug Administration come to our house, beat up my
18 step-dad, Frank Salaman, drag us all out in chains at gun point
19 because we were trying to bring alternative cancer therapies
20 into the county. We were bringing Laetrile, apricot pits,
21 jicama, whatever else across the border from Mexico, and even
22 though we had a court order to do it, the FDA didn't like it.
23 So my dad fought them for a long, long time for this, and this
24 is, once again, we knew something was true. We knew that we
25 were trying help people with cancer. We had people coming to

1 our homes that were dying and shuffling off to clinics in
2 Mexico to try to help them with something that the whole
3 medical establishment was saying was completely fake.

4 My mother later on became president of the National
5 Health Federation for 37 years, Maureen Kennedy Salaman. We
6 wrote books called *Foods that Heal; Nutrition*, the Cancer
7 Answer. She ran for vice-president of the United States in
8 1984, and all of this was to try to change the establishment,
9 to try to take what was and turn it into something better to
10 give people hope, and because of our efforts, we got
11 chiropractics legalized in 33 states; chelation therapy is
12 legalized; naturopathy is legalized, all fighting the
13 government every step of the way, all fighting the billions and
14 billions and billions of dollars that were generated with all
15 of this.

16 And I want you to notice the entities that are lined
17 against us, you know, the mountains of stuff there. They're
18 all about -- and this is the banks and the Internal Revenue
19 Service who are lock step with each other. In what many
20 Americans believed and what Brandon Adams believed and Winston
21 Shrout believed, are involved in oppression of the American
22 people.

23 So with this said, I just wanted -- and I also want
24 to give you quickly my spiritual background going to intention
25 of this. Originally, we were Catholics, and then we became

1 Lutherans. You know, Catholics got beaten up by big Irish
2 nuns; Lutherans got beaten up by big German nuns going to
3 school; and I was a successful night club owner, and I owned
4 restaurants here in Los Angeles. I went to the University of
5 Southern California; I graduated with degrees in political
6 science and drama, and I eventually got my Ph.D from a school
7 in Canada. And I had a crisis of things going on in my
8 personal life, and I traveled to India; and I went to India,
9 and I lived in a Darbosola(phonetic)with the Dalai Lama for a
10 long time, and then I went to a monastery in Nepal called Tang
11 Majai(phonetic). And I learned about karma and dharma, and I
12 took an oath at that time, which I take very, very seriously,
13 to act for the enlightenment of all sentient beings. I mean,
14 it's not -- it's not in me to harm people. It's just
15 everything that I tried to do was to help people from my heart,
16 from my soul. I found something -- and when people -- when
17 Carol Meier came to me -- and she was really -- she was really
18 one of the first ones of these that we did, and we saw that it
19 worked for her -- you know, she was in a desperate situation;
20 she had the wolf at her door; she had the banks about ready to
21 foreclose on her; she and her family were going to be kicked
22 out in the street, and from everything that I saw, as I said,
23 the bond had worked for her, and then when she got up on the
24 radio and talked about it, a lot of people came to me in these
25 desperate situations, just be crushed by the banks, crushed by

1 the government, crushed by the Internal Revenue Service with
2 notices of lien, by the way, they hand out willy-nilly, as
3 opposed to an actual lien. I just need you to know the
4 difference here. I have no federal liens against me, none,
5 none. The prosecution hasn't brought that up by the way
6 because there hasn't been a single lien that's gone through a
7 court, that's been signed by a judge, that has a claimant on
8 it -- the actual person that's been harmed -- nothing .

9 Now, the government is going to sit here and tell you
10 that, Oh, look at all these frivolous filing liens and all this
11 other stuff. They have no -- in my opinion, what legal force
12 do they have because you can take them to court ask get them
13 off you, but you got to go to court, you got to do all kinds of
14 stuff. These are just things that they issue with, in my
15 opinion, no due process and yet they place tens of thousands --
16 they just make up a number, and they get to apply it to you and
17 crush you down with it. They have IRS agents that call your
18 family, that call your landlord, they call everybody to chase
19 you around with all this stuff.

20 So spiritual in this is also -- even though I moved
21 into Nepalese and Buddhism, my argument always had been, you
22 know, You guys are all bound with the chains of karma and
23 Buddha and everything, you know? We got a guy in the west who
24 picked up the tab for the whole table. That's interesting. I
25 sort of wore my Easter clothes today because, you know, Easter

1 is next, and Good Friday is coming up. And what is that about?
2 It's about redemption. It's about redemption of the blood of
3 Christ, that bondage occurs -- we are literally in the bond
4 age -- that bondage occurs from all this debt from the Old
5 Testament that then gets washed away by Christ, and that was
6 key to what Brandon was talking about; that was key to what
7 Winston was talking about, that there was a way to redeem us
8 from the bondage of the banks, from the bondage of the IRS,
9 from the bondage of these pernicious agencies.

10 Let me give you an idea: My goal with this -- had
11 the bonds been working -- and by the way, we had no proof
12 really that they didn't because I was taught by Brandon and
13 Winston that acceptance is part of the whole process. That's
14 what the Uniform Commercial Code is all about by the way, that
15 if I give something, that if I give you the Joe DiMaggio
16 baseball card and you keep it, then the debt is paid off.
17 There's a lot of other ways to pay things other than Federal
18 Reserve notes. Now, you have Mr. Kerr actually up on the stand
19 here who didn't even know, even though he was the government
20 expert, he didn't even know the Federal Reserve was private; I
21 thought everybody knew that. They go in front of Congress, in
22 front of Ron Paul, and then Ron Paul says, How can you just
23 print \$15 trillion and just give it away?

24 And Bernanke said, Well, it's our money. We can do
25 whatever we want with it.

1 And, again, in the aspect of all this, the redemption
2 of the blood of Christ, picking up the table for the whole
3 table I felt was a concept that was actually being
4 physicalized, if you will, by what Brandon and Winston and
5 Gordon and all these people were doing.

6 So all of us come from around the world -- and I'm
7 not sure if the judge is going to let me make this argument or
8 not -- but we all come from around the world to enjoy the
9 freedoms in America given to us by God, protected by the
10 Constitution, but, I mean, let's list the Constitutional
11 violations that are happening here.

12 It starts with -- it starts with the indictment. The
13 search warrant has "probable cause" blanked out. They come
14 in -- start with the indictment. The indictment has lie after
15 lie after lie, which we've proven here in the court, and under
16 common law, if you just prove one lie, the whole thing falls
17 apart. For example, they harp over and over again that Melissa
18 and I were, quote, "legally married" under the State of
19 California, and why aren't we? Because under our belief
20 system, we don't believe putting the government in bed with you
21 as a third party, if you will, we don't think it's right; so we
22 had a marriage contract, which means that we couldn't file IRS
23 stuff as married, which would have been of a benefit to us
24 because we weren't legally married because we actually had a
25 contract between two individuals which we felt was stronger

1 than some license from the state.

2 So if you look at the indictment itself, again, lie
3 after lie after lie that just unravels the whole thing. Then
4 if you look at the search warrant, "probable cause" is crossed
5 off. The affidavit that is supposed to tell you where to
6 search is sitting in the agent's car. In the aspect of all of
7 this, they tore our place apart. They came in -- I don't care
8 what this agent said; I am testifying to you now -- that they
9 kicked in our door with guys in helmets and machine guns. My
10 wife had a wheelchair next to her bed because she just had --
11 she just had surgery. She's screaming bloody murder when these
12 people kick in the door and they're holding an M16. If you've
13 ever had this happen, somebody climb up on your bed, stand over
14 you with a pointed gun in your face for filing paperwork,
15 again, and I hear my wife screaming in the other room, and I
16 woke up about 6:00 a.m. They took her wheelchair and threw it
17 across the room. She's screaming. She got her knee -- she
18 just had knee surgery, all bandaged up, and somebody grabbed
19 her by her arms, bruised up her arms and dragged her across the
20 room.

21 As this was going on for -- for what? Again, as they
22 dragged us into the front room, tearing the place to sheds -- I
23 remembered in my mind looking at history books when I was going
24 to school of what the Red Coats used to do, and how they used
25 to just trash somebody's house, and this is what we put the

1 Fourth Amendment in place for. What you saw is a photographer
2 who said, Well, I took a picture of -- this was her office, and
3 I took a picture of a box of files. I know it's obvious that
4 they called it her office because she has a computer in there,
5 but she works for a pet company where she trains dogs and
6 babysits houses. Why don't they call it the cat room, because
7 it's got like six cat boxes in there because we have a lot of
8 cats.

9 So the violation of the Fourth Amendment, this first
10 thing. Fifth Amendment violations are kind of interesting
11 because if you actually look at the 1040, they actually make
12 you testify against yourself with actually your information
13 that they're going to use against you later, which is
14 theoretically a violation of your Fifth Amendment just to fill
15 out the tax forms.

16 Now, the government wants to point out that I'm
17 somehow a tax denier. Completely untrue. I think the tax
18 today is fine. I think everything -- one of the tax laws are
19 perfectly right. As a matter of fact we filed things that we
20 thought were under the codes and strategically under the laws
21 to be able to make what was happening work.

22 Now -- and don't even get me started. I've tried to
23 raise it a number of times in this court, as you noticed, but
24 violations of the Sixth Amendment, under common law, you have
25 the right to face your accuser. Doesn't that make sense to

1 you? That if you've harmed somebody, okay. And this is
2 interesting: The Judeo Code, you sue people. In Christianity,
3 Jesus said, No. You go to your brother with a friend or
4 whatever else. You got to your brother seven -- seven -- not
5 seven times, seven times 70, which you try to work things out.
6 You get that person in front you and say, Sir. I've harmed
7 you. I'm sorry. What can I do?

8 And in this case, they haven't brought anybody with a
9 claim. Now, this is another interesting case in point, law
10 that applies here. Under *Gore v Bush*, when Gore sued Bush for
11 the election results, the hanging chads and all that stuff,
12 they showed up in the Supreme Court with just stacks and stacks
13 and stacks, a 100 times more than this -- this pile of crap
14 that they have here, and they stand in front of the Supreme
15 Court. You know what the Supreme Court ruled? The Supreme
16 Court said, Do you have somebody with a claim? Can you
17 actually just have a single person that comes in here that can
18 hold up a voter card and say, I was personally harmed and
19 damaged by this hanging chad here, and my vote didn't count?
20 And the government couldn't produce one actual human being with
21 a claim, and they dismissed the case. They said, Nope, you're
22 not going to recount it because you can't produce somebody with
23 a claim. I've asked over and over again, interjected into
24 these proceedings, as to where's the claimant? Where's the
25 mythical United States of America? Where is their imaginary

1 friend that's been harmed? And, again, what they're trying to
2 tell you -- let me also point out: There's no damage here.
3 This is paperwork. It didn't cost the government anything.
4 They're not seeking monetary damages.

5 MS. MAKAREWICZ: Objection, Your Honor.

6 DEFENDANT SEAN DAVID MORTON: They aren't.

7 THE COURT: Overruled.

8 DEFENDANT SEAN DAVID MORTON: So in the case of
9 this -- and don't let the numbers of the -- you know, you're
10 seeing a lot of big numbers. I'm a film director and a
11 producer, and I've been involved in television; I've been
12 involved in movies; and at the time all this was happening, I
13 just directed a film. I wrote and directed a comedy that's
14 called *Joe Killionaire*. It was a funny thing about -- kind of
15 like the *Bachelor* except everybody goes to a mysterious castle,
16 and they all get killed in funny ways; and that movie was now
17 refinanced and was now redistributed -- it was a huge hit in
18 Taiwan for some reason; it is very strange. But at the same
19 time, every single one of the numbers -- by the way, the
20 government is not disputing any of this -- but all the numbers
21 that we put in to make the OID work were legitimate numbers.
22 If the IRS was working the way it's supposed to have, they
23 would have audited us, and they would have said, Okay, show us
24 the receipts. We have every evidence single receipt,
25 everything that went in there. And I want you to understand

1 how you're dealing with this mythical beast.

2 We're studying Brandon Adams; we're studying Winston
3 Shrout -- I mean, I'm soaking this in, and I'm very sorry.
4 When I testified I read you a whole bunch of law about public
5 exactations, about how can the government force you to pay
6 something. Under Article I, Section 10 of the Constitution,
7 there's no gold or silver. How did that work? And I'm sorry I
8 read off that whole thing to you about *Beard v. Georgia*,
9 whatever else, but it was to go to my state of mind of -- I
10 studied law. I got out the books and Black's Law and the
11 definitions in the dictionaries of everything to see what we
12 were doing was legally correct. I wasn't fighting their codes;
13 I wasn't fighting their stuff; I was trying to see, Wow, maybe
14 there's a way that because you put money in the bank and the
15 bank fractionalizes that money and makes a lot of money off you
16 that at the end of the year you get some of that interest that
17 back.

18 Now, again, I pointed out that if you put \$20,000 in
19 a Dean Witter account, or some investment account, and they do
20 that, they go to jail; but the banks have the right, who are on
21 a fractional banking system, to be able to do this kind of
22 thinking. So we thought, all right, by filing a 1099
23 abandoned -- because here was the theory that Brandon was
24 teaching us, okay, you got all this money at the end of the
25 year, ollie ollie oxen free. Anybody want it? Anybody want

1 it? And now we're going to take it, which means now the banks
2 and the Internal Interview Service are all in it on each other.

3 Theoretically, what they were teaching is that
4 they're robbing you every year; they're taking this money for
5 themselves unless you file the proper forms to get it returned;
6 that makes sense to me.

7 So -- anyway. One other thing also that -- and let
8 me just get back to the indictment. I want to show what's also
9 happening here. There's statutes of limitations on this stuff:
10 Three years, five years. They get around all that here by
11 saying, Oh, it's one big conspiracy. It all happened over
12 seven years. You know, they came like the day before -- I
13 think this is when Peter Lu came to the house, and I just said
14 I didn't want to talk to him, you know. Mr. Lu came to the
15 house, and I said, Okay, sir. You're going to have to fill out
16 a form. I need to know your badge number; I need to know your
17 pocket pass or whatever; I need to know what your jurisdiction
18 is to come here and bang on my door. I said to him and all
19 these other agents, these forms -- and by the way, the next
20 time I saw him, he had a gun in my face, didn't answer anything
21 that I put in; and you're going to see in this case, we weren't
22 ducking the IRS, we were sending stuff directly to the criminal
23 investigation division because we did not think we did anything
24 wrong. So here you go.

25 And as far as the number of the coupon -- okay, so

1 the \$5 million coupon, which Gordon Hall actually made up and
2 sent in -- as far as the coupon, why was it for so much? And
3 if they kept it and cashed it or put it on deposit, how is that
4 benefiting me other than setting off a debt that they created
5 in the first place?

6 So I'll wrap up the whole events of this here, but
7 they keep just showing you the bond, which Ms. Makarewicz --
8 Makarewicz -- and let me point out also that the reason you
9 can't use first names in the court is because that in a common
10 law court everybody uses first names. So I'm the only human
11 being here; my wife is the only human being here. All these
12 other people have masks on; all of them are representing our
13 invisible friend. That's why it's Ms. Makarewicz; that's why
14 it's Mr. Hughes; that's why it's Mr. Brody. You have to use
15 all these names because they don't exist. We're the only
16 people here. They're all players and actors that are
17 representing a dead corporation, a corporation that is now
18 claiming to be harmed for millions of dollars and wants to put
19 us in jail for hundreds of years.

20 So they just showed you a piece of paper, but let me
21 remind you that what Brandon and Winston and Jack Smith, and
22 everybody else taught, that the bonds are a worthless piece of
23 paper -- we've said this over and over -- they're a worthless
24 piece of paper to anybody that doesn't know how to use them.
25 If I hand you a Superman One action comic and you agree it's

1 worth \$3 million. To my mom, she throws it in the trash; she
2 just thinks it's colored paper and just junk that's taken up
3 the house. But to a banker, they would know how to access
4 that, and our whole thing of this was everybody had told us,
5 all these gurus, that if the banks keep the bonds, they put
6 them on deposit, and they borrow against it to be able to
7 offset the charge; that's what we believed, and nobody with the
8 exception of the mangled little brother of the IRS, which is
9 the California Franchise Tax Board, they are the only ones that
10 showed up with an original piece of paper. We have tried to
11 get this stuff back; we've begged them; we've given subpoenas
12 to the banks to get the bonds, and they say no -- you should
13 hear the excuses. Wow, you sent a package, and the bond wasn't
14 in it. Oh, we're going to wipe out your account and give you
15 another account with another number on it. Oh, the dog ate it.
16 Oh, we had a clerk that got a new desk, and the bond was in the
17 desk. You can't believe it.

18 Barbara Lavender, their own witness by the way -- and
19 let me also tell you about Barbara. We never gave any
20 guarantees to Barbara as she pointed out; I've always said I'm
21 not an attorney. This might not work. It's our best chance,
22 and at the very end unfortunately -- and Barbara was sending us
23 emails under John's name, and I'm not sure that -- well, I
24 wasn't sure we actually knew who it was, but the reason that we
25 didn't respond to Barbara and she got left hanging, is you'll

1 notice that the date of the email was September 26th --

2 MR. BRODY: Your Honor, I object to this as arguing
3 facts not in evidence at this point.

4 DEFENDANT SEAN DAVID MORTON: No, it is in evidence;
5 there was an email that was actually submitted.

6 THE COURT: I'm going to sustain that objection.

7 DEFENDANT SEAN DAVID MORTON: There was an email that
8 was actually --

9 THE COURT: I sustained the objection.

10 DEFENDANT SEAN DAVID MORTON: Okay. Anyway, the IRS
11 had actually taken all our computers, which did not allow us to
12 respond to her.

13 But with the bond -- and this is -- this is how hard
14 we wanted these things back -- with the bond itself -- which
15 they're just telling you, Oh, you just got -- first they said,
16 by the way, that we somehow forged it, and then they said, Oh,
17 you're forging what's a -- we know a certificate, official
18 piece of paper, and Ms. Makarewicz is now saying that, Oh, you
19 can buy this down at the store, which we've said from the
20 beginning. They're trying to save the coupon that was sent for
21 set-off, settlement, discharge, but it was somehow duplicated
22 or was somehow artificially made. And, again, you buy them by
23 the box. They say "void" on them for a reason, by them by the
24 box at Office Depot. So it's not like we were running some
25 counterfeiting operation. And by the way -- I have a question

1 here -- where is the secret service? Secret service is what
2 deals with bonds. They're the ones that deal with all this
3 stuff. What hell is the IRS doing investigating bonds when
4 it's not a tax issue? So that's just another case in point.

5 So when I send Peter Lu a letter, and he doesn't
6 respond, and I send him a request to say I'd be happy to talk
7 to you if you give me some information about yourself and what
8 this is about and they don't respond, that's the problem here.
9 We've begged the Internal Revenue Service; we've called them;
10 we've sent them letters and over and over again, and we just
11 get form letters back --

12 MR. BRODY: Objection, Your Honor --

13 DEFENDANT SEAN DAVID MORTON: I'm sorry. I didn't
14 mean to use the word "we." I'm so sorry.

15 THE COURT: What was that?

16 MR. BRODY: I was objecting to improper argument of
17 facts not in evidence with respect --

18 THE COURT: He stopped. He stopped.

19 MR. BRODY: Thank you, Your Honor.

20 DEFENDANT SEAN DAVID MORTON: So my question is --
21 becomes if the bonds were presented to the United States of
22 America, once again, the mythical imaginary friend of the
23 prosecutors here, where are they? You produce one, produce one
24 for the California Franchise Tax Board -- where is the
25 organization of any of this? Theoretically, it's all hearsay

1 evidence. You guys could have tricked all that stuff up in
2 Photoshop, for God's sake. That's why I continued objecting to
3 it. You didn't present a single original document with the
4 exception of the California Franchise Tax Board. And let me
5 point out, that when we sent the bond to the California -- and
6 the California Franchise Tax Board sent us a bill for taxes
7 that were owed that were based on information that the IRS gave
8 them. Well, if the return was erroneous, I was writing the
9 California Franchise Tax Board saying how are you taxing us if
10 it's an erroneous return? How can we now owe this that you've
11 assimilated off information that the IRS itself is claiming
12 it's wrong? So we sent the bond to the California Franchise
13 Tax Board --

14 MR. BRODY: I'm sorry, Your Honor. I'm going to have
15 to object again to arguing facts not in evident concerning
16 Melissa Morton.

17 THE COURT: That's sustained.

18 MR. BRODY: Thank you.

19 DEFENDANT SEAN DAVID MORTON: So when we -- anyway,
20 so the whole thing was is that California Franchise Tax Board
21 sent me a letter that said, Oh, we're sorry. Please wipe all
22 this out. Please don't worry about it. It's our mistake, it's
23 our error, and thank you so much for playing. Just take this
24 down to the county, and they'll take the lien off -- or the
25 notice of lien.

1 So we thought we were fine until they turned around
2 months later and said, Oh, no, you owe us the money again. So
3 once again, which is it? Do we owe you the money? Do we not
4 owe you the money? And with the bond -- and this is what they
5 don't -- I believe it's in evidence -- but there was a legal
6 letter of advice that said, Please submit this to your legal
7 department. Please tell us if this is okay. Please tell us if
8 this fits the proper laws. This is the evidence of fraud on
9 the bond, by the way. This is what they claim: That there was
10 a nonnegotiable instrument; it was then certified by the
11 county, went down and certified it at L.A. County; and then it
12 was apostilled by the secretary of state; then there was a
13 Uniform Commercial Code filing with the secretary of state,
14 with the UCC people in California; then there was a request for
15 return saying, If there's anything you don't like about this,
16 send it back.

17 Now, not only that, when we sent it, then we sent
18 subsequent notices that said, Okay, this is a notice of fault,
19 opportunity to cure. We sent you an instrument. It is okay?
20 Is it all right? Is there anything wrong with it, anything at
21 all, please sends it back. Nothing. Thirty days later, notice
22 of default. Okay. We sent you a bond; you didn't do anything
23 with it. Are you going to respond? Finally, under the UCC
24 mind you, we sent a notice of default and dishonor -- or I sent
25 actually -- a notice of default and dishonor, and that notice

1 of default and dishonor, then said, All right. We've given you
2 90 days under California law, and under the terms of
3 acquiescence -- once again, I've given you my Joe DiMaggio
4 baseball card. Are you going to give it back, or are we cool
5 with the debt? And we did not hear from any of these banks,
6 none of them, and we got involved in court cases to try to
7 press this. Never anybody, no judge, nobody told us that the
8 bonds were fake or that they were illegal, as Carol Meier
9 testified, no one until now, until the United States. So let's
10 just talk about the 1099-OID. I had no understanding of the
11 1099-OIDs really when we got into this. I was directing a
12 movie; I wrote a newsletter; I had a spiritual newsletter
13 called *The Delphi Associates Newsletter*; I got up on the radio
14 and talked every now and then, mostly about things like remote
15 viewing, you know, UFOs, aliens, unicorns, chupacabras. You
16 know, I believe in all kinds of weird, funny stuff; but I had
17 no real understanding of it, and this is where Brandon and
18 Winston Shrout and Jack Smith and all of these guys who were
19 into gurus. And please let me remind you that these lectures
20 of all these guys get really kind of dull because they're just
21 doing nothing but quoting the law and then telling us to do our
22 own research and getting Black's Law Dictionary and doing all
23 the definitions so we wouldn't break the law; so that we would
24 do everything that we thought was right. And there was one
25 refund that was approved, and this is what they talk about the

1 \$480,000 refund. What they don't tell you is that I got a
2 notice from the IRS, and they said there's been a computational
3 error. We found your math is wrong. Would you like another
4 \$500? I wrote them back, said, Okay, and then they sent me a
5 paper check, mind you. Now, in your reasonable mind, if you
6 filed for a tax return, and they said, We audited your return.
7 We're going to give you more money. Wouldn't you think that
8 the IRS paid attention? Wouldn't you, as a reasonable person,
9 think that, Okay, I did the process. The process worked.
10 They're going to give me a refund. Thank you for the extra
11 \$500, and then they sent the check. And please remember: The
12 big number of the check was because -- by the way, the whole
13 thing had 48 percent withholding on it -- as I probably showed
14 you actually from the forms that the prosecutions entered into
15 evidence -- 48 percent withholding, which is ten percent -- I
16 think it's 38 percent, 35. It's at least ten percent more than
17 the actual withholding.

18 So the other question becomes how did I damage the
19 Internal Revenue Service when I gave them 48 percent
20 withholding on something? Where did that money go? So I had
21 it for six months. We were setting up another film production
22 company called Asgaard Media at the time, and we took the money
23 out and did things with it because we got a refund as anybody
24 would do -- what do you do when you get a refund from the IRS?
25 Do you go out and maybe have a nice dinner? Do you go out and,

1 you know, take your wife someplace nice, your husband someplace
2 good? Whatever else. And so the reason it got moved is
3 because it went into stocks and it went into different things
4 to support this film company going public. By the way, the
5 film company didn't go public, and we wound up losing all the
6 money.

7 So the Internal Revenue Service, by the way found,
8 that the refund -- this is their word now -- the refund was
9 erroneous. That's not my fault. It's not my fault they said
10 it was erroneous, not frivolous, not illegal, erroneous. I
11 didn't find this out for six months when I tossed a bunch of
12 doorstep and cleaned out bank accounts. That gets into Melissa
13 Morton's case but it's again if it was against me, she had
14 nothing to do with that if there was a joint account, her
15 protests are look I didn't have anything to do with this.

16 MR. BRODY: Your Honor, objection. Arguing facts not
17 in evidence.

18 THE COURT: Sustained.

19 DEFENDANT SEAN DAVID MORTON: So in my communications
20 with the IRS, I was told that the refund by them was a computer
21 error; this whole thing started with a computer error, and it
22 was erroneous because their computer screwed up. Now, to add
23 insult to injury on top of this, just to show that I didn't
24 think I was doing anything wrong again, the IRS sent me three
25 more notices about the other tax years, and they sent me three

1 more notices that said, We owe you a bunch more money, a lot
2 more money. And from '5, '6 and '7, they sent me things that
3 said they owed me, according to them, something like
4 four-and-a-half-million dollars based on all the money they'd
5 gone through for the film companies, gone through the financial
6 stuff we were doing. So you think -- you look at these big
7 numbers, but, again, when you're selling a movie, the movie
8 costs hundreds of thousand dollars, and there's expenses for
9 it, and then there's distribution and other things; so don't be
10 shocked by the big numbers. We were putting in everything
11 properly into the system.

12 So the IRS sends me letters from the Ogden -- I'm
13 sorry -- from the Austin, Philadelphia and Fresno offices. And
14 by the way, I didn't send anything into those office; they
15 spread it out for whatever reason. I didn't even know these
16 offices existing. They sent us back a bunch of stuff and said,
17 We owe you more money for this.

18 So in a six-month period of time, again, we had money
19 that I thought we legally owed because we filled out the whole
20 process properly.

21 Now, everything was being done in good faith. We
22 were trying -- part of what Brandon was teaching is that if you
23 put it in and you put the high withholdings in, that all of
24 this was showing good faith to benefit the people of the United
25 States of America. So I believed everything that I was doing.

1 And this -- look, you're going to be all getting together and
2 deciding the fate of my life here in a couple of minutes. You
3 know, they're talking about, again, paperwork that I don't see
4 where there's really been any harm to these people, where
5 there's been -- they're not claiming really any damages other
6 than wanting to throw us in jail forever; that would make their
7 imaginary friend happy because I don't get to face my accuser,
8 you'll notice. I tried to call him in, but I guess he got
9 caught in traffic, the -- Mr. United States of America.

10 So I believed everything I was doing within the scope
11 and the letter of the law. And let me also point out that what
12 they're trying to tell you is that we're guilty of thought
13 crimes, thought crimes, like 1984, thought crimes. They're
14 talking about an inchoate offense which means that just because
15 you thought about doing it, we can charge you as if you did it.
16 Okay. That only works if you have somebody being harmed.
17 Okay, if I raise my fist and threaten to punch somebody, there
18 is a harm of assault on the person I might want to punch, but
19 if I'm just flailing around in the air, who am hurting?
20 Because the challenge here is that they've also got stuff in
21 the indictment, if you'll notice, that is -- just because you
22 sent us a letter, we want to throw you in jail, swear to God.
23 You just wrote us a letter of a notice of default, notice of
24 fault, notice of default, notice of default and dishonor; it's
25 in there. Where just because you wrote us a letter, they --

1 now we want to throw you in jail for that, too.

2 So I studied Brandon, Winston, Jack Smith, Gordon
3 Hall; I befriended these people. We all studied the law to
4 make sure that we were operating within it and you'll hear the
5 words "willful intent" -- they used this over and over --
6 willful intent. I had no willful intent. I had none. And I
7 had only the deep desire to operate within the confines of the
8 law and the code. That's why we studied all this stuff. We
9 went -- the law books and all this stuff, we studied over and
10 over and over to make sure everything was right, as we
11 interpreted it, as -- should I say Brandon interpreted it, and
12 it became a way to help others; and, again, I took a sacred vow
13 to work for the enlightenment of sentient beings. I'm -- I'm
14 just incapable of harming somebody. It's just -- it's not in
15 my wheelhouse. It goes to, you know, Melissa and I being up
16 late at night, you know, nursing this little kitten that
17 wouldn't latch onto a nipple, you know, feed it milk and have
18 it die anyway because we come here.

19 But the government, the biggest thing they have, is
20 that they have not presented a single witness as to willfulness
21 or what's called culpability. They can't prove it because it's
22 a state of mind, and it's a big thing with the Ninth Circuit
23 court, willfulness and culpability. Valerie -- I'm sorry --
24 Ms. Makarewicz pointed out that she said, You're suing me in a
25 California court. Well, yeah, I am because I could not get

1 this court -- well, I'm sorry. I put in a notice, an affidavit
2 nonculpability and nonintent with this court, which I'm not
3 sure if you get to see or not, and none of them responded to
4 it. By the way, the rules of an affidavit are if they don't
5 respond to it, it stands as true. You got to respond to this,
6 especially in a legal environment where people's lives are at
7 stake, where you're talking about putting -- putting me in jail
8 for years and year and -- for the rest of my life for doing
9 this, for something I believe.

10 And so, yeah, I sued these people, and the reason I
11 sued them is because I needed a judgment from another court in
12 California of a declaratory claim for a judge to stand up and
13 say, Hey, did you answer this? Did you answer -- this guy, he
14 is a harmed man. Did you answer any of his claims? Nope. And
15 so that's what I need to get a declaratory judgment against
16 these people because them, like the IRS, like the government,
17 don't talk to you, don't respond, don't pick up the phone,
18 don't you write letters other than to write you form letters
19 that are threats from nameless, faceless people who use aliases
20 to interact with the public because you see a lot of that
21 today.

22 Anyway, facing life in prison and causing nobody
23 harm. Again, no intent to defraud or cheat anyone at any time.
24 It's disgusting the fact -- I mean, it's disgusting. It's
25 obscene that they stand here as proof of evidence that, Oh, you

1 got a refund and you spent it because none of that is against
2 the law. You got a refund, and you put it places. Again,
3 trying to benefit the world by investing in stuff, trying to
4 hire people, trying to get stuff done. So -- and I was taught
5 by Brandon and Winston -- and this is -- I can't even tell you
6 the hundreds of hours of lectures and books and study, and it's
7 so interesting because when the IRS came into the house, they
8 took everything that had to do with Brandon, everything that
9 had to do with Winston, they -- by the way, they took two
10 editions -- Edition Three and Edition Five -- of *Black's Law*
11 *Dictionaries*. They didn't want us to have law dictionaries to
12 defend ourselves against these people; that's the kind of stuff
13 that they took.

14 So, again, no original bond or coupon. They have no
15 proof that they aren't on deposit somewhere. I don't know if
16 that's true or not. Nobody knows because they haven't produced
17 the originals. These are presentments to the United States,
18 and they don't even give you the presentment. Doesn't that
19 strike as you strange? Doesn't that strike you as funny that
20 the stuff that they want to throw us in jail for, they don't
21 even have original copies of? That's why I objected to
22 Mr. Kerr up there, who, by the way, didn't know what a W-4 was.
23 Their financial expert never filled out a W-4? Doesn't know
24 that the Federal Reserve is private? And said himself -- their
25 witness said himself, that all of this -- all of this is

1 created by the credit of the people of the United States;
2 that's is you. You, me, my wife are the only real people in
3 here. We're the only people being harmed. All these guys are
4 fake; they're all fiction; they all represent a fiction. We're
5 the harmed people; we're the harmed the claimant.

6 So -- and since the banks -- and you're also okay,
7 why were the bonds for so much? This is what Winston was
8 saying but -- and Winston and Brandon, once again, as my
9 absorbing their information, Why did you make these bonds for
10 so much? Why is it for so much money? Well, as they taught,
11 they said because you put a bond into the bank, the bank can't
12 fractionalize the bond like they can a Federal Reserve note.
13 If I put a dollar into the bank, the bank loves that because
14 it's a Federal Reserve note printed by the private Federal
15 Reserve based on the credit of the Treasury -- or the
16 treasurer -- you'll notice there's two numbers. There's the
17 treasurer of the United states, Rosie Rios, and the Secretary
18 of Treasury, who I assume is still Jacob Lew. He has that
19 funny signature that goes loop de loop de loop.

20 So they can fractionalize that. They can loan 99
21 cents out against that. But with a bond, as a Brandon and
22 Winston were saying, with a bond that can't be fractionalized;
23 they just have to take it at face value. So that's why the
24 bonds are so big, and, by the way, there isn't any money in
25 real life because nothing is based on gold or silver anymore,

1 it's all -- it's the public and the private back and forth. So
2 that's why this is for so much.

3 So -- anyway. So this is all done, we thought, by --
4 or should I say Brandon and Winston and Jack and Gordon that by
5 putting a bond in for more, you're actually helping the banks.
6 You're actually not only helping setoff, settle and discharge
7 the debt of a person being crushed by the bank and the
8 mortgage, whatever else, that this was helping.

9 And let me also point out now that Brandon -- and
10 you've seen evidence, by the way, presented by their witness --
11 I'm not sure if it was Mr. Kerr -- it was Mr. Kerr, I
12 believe -- it was Mr. Kerr. You saw evidence that Brandon -- I
13 told that you Brandon did all of this stuff out of his house.
14 He had all the equipment there. He had to buy a dot matrix
15 printer. You know those little printers that have the little
16 wheels on them with the little teeth? He had to buy a dot
17 matrix printer because there were red forms you had to order
18 from the Internal Revenue Service so they couldn't be copied,
19 and then you had to put them through a dot matrix printer. So
20 he had to buy the printer, and he bought -- he had all the
21 equipment to do the OIDs there.

22 You'll also notice his brother Garrett worked what
23 was called the FIRE system, which put them into the system.
24 Garrett did 5831099 OIDs. Do you see any of those people here?
25 Do you see any of those people being raped by the government?

1 Do you see any of those people that the government has some
2 kind of imaginary complaint against? No. And also, Alexander
3 Adams, their father was a CPA, father was a CPA.

4 Now, the father -- they pointed out that Brandon was
5 in jail -- I didn't know that before we got here -- but the
6 father, Alexander Adams, got a civil injunction from the IRS to
7 make 'em stop. Another one named Jacquelyn Coehello also got
8 it to just make 'em stop. We don't want you filing these
9 documents for people; we don't want people getting this money
10 back. Alexander got something like \$14 million back for his
11 clients, and the IRS sued him civilly just to make him stop
12 filing the forms. Does that look like fraud to you?

13 So -- anyway. I'm just saying that with this whole
14 thing, we got -- with the OIDs, everything we did -- I knew
15 nothing about them. I -- who knows anything about this stuff?
16 Again, I'm a radio guy; I'm a TV guy; I'm a producer; I'm a
17 writer; I don't know about any of this junk, and to tell you
18 the truth, it's just -- in the end it just wrecked my life
19 because even the funds that we got back as a return, those all
20 got spent in a film company that never went public or couldn't
21 go public. As a matter of fact, the IRS took the stock
22 certificates out of our house and eventually just gave them
23 back because they were worthless. So anyway.

24 But none of the banking actions we took -- I want to
25 point this out again -- all the banking actions that we took

1 were perfectly legal. There was nothing that said from anybody
2 that the refund check that I got was anything other than -- it
3 said "U.S. Treasury" right on it -- was illegal. So if they're
4 trying to do this as some criminal -- she's going on and on and
5 on apparently, it's not illegal; it's not illegal to spend
6 money.

7 So I thought we had a refund; I invested it all; none
8 of this was illegal. Again, it was erroneous, not my fault
9 that it was erroneous. So -- anyway.

10 By the way, the coupon that we point -- they keep
11 calling it a check -- the coupon was not a check, it was a
12 coupon for setoff, settlement and discharge. It was -- it said
13 "void" all the way across it. I think I'm almost done here.
14 All right.

15 Last but not least, here's a question: Is it legal
16 for -- and the judge actually asked this question before. This
17 was actually a point of law that the judge asked -- is it legal
18 for a citizen to access the Federal Reserve? Now, remember,
19 you know why a citizen can't? Because the Federal Reserve is
20 private. It's not a public organization; it's private
21 organization. It's 12 member banks that take your credit, the
22 people of the nation, and they create money out of nothing.
23 What did they do with your mortgage? Let me give you an
24 example. What did they do with your mortgage? They take your
25 mortgage, and they use your sweat-equity signature on the

1 mortgages for them to borrow the money into existence. They're
2 borrowing against your credit. So you go in, you sign a
3 mortgage. The bank takes that, makes a certified copy of it,
4 puts it in a vault, and then that mortgage gets sold on the
5 secondary bond market. Just goes over and over and over.
6 Makes money all around the world. If you've ever got your
7 original mortgage back, there's stamps on it from Deutsch Bank;
8 there's stamps on it from Barclays; there's stamps on it for
9 whatever else. You'll never see it again. But you go to
10 court -- and I've had this happen where you go to court and
11 demand: Produce the original instrument. That used to be
12 part our juris prudence system, which is something the
13 prosecutors don't know because they only presented one original
14 instrument in this whole thing; and you'll never get it.
15 There's a guy right now that I know in Beverly Hills who just
16 keeps going to court with the bank saying, "I demand the
17 original instrument," and they go, Oh, we can't find it.
18 We're looking for it. Give us another year or six months.
19 He's lived in his house, like, seven years because they can't
20 produce the original mortgage because they, again, create that
21 money out of nothing based against your credit.

22 So are there any laws, codes or statutes that state
23 that it's legal or illegal, and, if no, what are they? The
24 prosecution has not at any time during the course of this trial
25 brought them forth, and if not then, I'm not sure the judge can

1 rule on it, or he can rule if he -- rule for it to be legal
2 because there's a first time for everything.

3 So we as private citizens are not -- can't directly
4 access it. Now, we can't directly access the Federal Reserve.
5 The funds were accessed by the banks on behalf of you, the
6 people of the United States. Mr. Kerr said himself that the
7 people are now the credit of nation. Used to be gold and
8 silver; now it's human beings. We used to have a term for that
9 in America. It's called slavery, and that's what the banks are
10 putting you into, and the IRS is helping them enforce that.

11 We prepared a legal document with a set of
12 instructions, once again, under Winston Shrout, Brandon Adams,
13 that was given to the bank. The bank, we believe, used that
14 document to access those credits from the Federal Reserve and
15 subsequently from a citizens line of credit that is then linked
16 to the CUSIP number, which is on the back of your Social
17 Security card and a Social Security number -- and by the way,
18 there is no law that says you have to use a Social Security
19 number to open a bank account. Do not let these people
20 persuade it's bank policy. It says right in the Social
21 Security code that this is not to be used as universal unifier,
22 and you cannot be denied benefits or privileges by not using
23 it. And if you go into -- and I've done this a couple times --
24 when you go into a bank -- or I've done it with a friend,
25 actually, who knew about this stuff -- he said, Well, I don't

1 want to use a Social Security number. Can I use a tax I.D.
2 number? And the first person he got to says No, no, no, no,
3 no.

4 I want to see the branch manager.

5 And the branch manager will come out -- and I've
6 overheard a conversation with a gentleman who is doing this --
7 the branch manager comes out and goes, No, it's just that's --
8 you can open -- you can open an account with somebody other
9 than an SSN. That's only bank policy. It's bank policy, but
10 it's not federal law. Just so you know. So this whole big
11 fuss they're putting together about Social Security numbers,
12 what number did you open this, that, and the other thing,
13 again, we're the people of the State of California; we're not
14 your slaves.

15 So the Federal Reserve, the funds were accessed by
16 the banks on the behalf of the citizens and prepared a legal
17 document. Now, the bank used the document to access those
18 credits for the Federal Reserve and subsequently from a
19 citizens line of credit -- this is how they work the
20 mortgage -- that is linked to the CUSIP number and a Social
21 Security number, and those citizens would then be used to
22 setoff, settle, and discharge the debt, and the rest would be
23 loaned out by the bank.

24 Question: Was the government or the IRS -- and this
25 is the big thing you have to ask yourself -- was the government

1 or the IRS --

2 MR. HUGHES: Your Honor, I would ask the defendant to
3 please return to the lectern.

4 DEFENDANT SEAN DAVID MORTON: I can't move around?

5 THE COURT: I prefer you stay at the lectern. The
6 lawyers have -- that's the general procedure.

7 DEFENDANT SEAN DAVID MORTON: It's not like on TV.

8 Okay. Thank you, sir.

9 What are they hurt? This is what -- this is what
10 you're going to have to ask yourself. You got a couple of
11 questions. Do we send these nice people who care for kittens
12 and raise cats to jail forever? Do we -- did they have willful
13 intent of any of this, and where is the harm? Who got harmed?
14 Was the government or was the International Revenue Service
15 actually harmed? Actually, I got one refund. Nobody else
16 involved in this -- and for that one refund, which was a check,
17 by the way, for the one refund, they handed out tens of
18 thousands of dollars in notices of lien, notices, not liens,
19 notices of lien, which these are not legal; they don't have
20 legal force; they put them with the county, which means the
21 county is co-conspiring with the IRS to put a bunch of crap on
22 you because, again, the judge can actually tell you how a lien
23 works. You got to go through a court to do that. Does the IRS
24 do that? So the answer is no, nobody's been hurt, because the
25 money was borrowed from me to pay the bank, and the government

1 and IRS would receive future revenues from those credits once
2 they were entered into circulation within the economy.

3 And, once again, you can't use a bond -- you cannot
4 use -- you can't -- they keep saying, Oh, cash the bond -- you
5 can't use a bond to get money, to get Federal Reserve notes. I
6 can't -- if I borrow a thousand dollars from all of you on the
7 jury, I can't pay you back with a bond because you can't
8 monetize it; you can't create money out of nothing like the
9 banks do. The banks can do it, the court can do it, and the
10 Internal Revenue Service can do it. As a matter of fact, this
11 court case right now has three CUSIP numbers on it. It's in
12 three different financial funds: 4X Global Financial. Is
13 court case right now is generating in funds something like \$55
14 billion because that's how the bond system works, but they
15 don't want to tell you about.

16 So, again, there's no loss. They've only benefited,
17 and our hope was everyone would win, and we the people, and the
18 government, and the setoff, settlement, and discharge, when you
19 go into the bank, the bank creates the money out of nothing,
20 and you can only discharge a debt with a bond when a bank
21 actually borrows the money off your credit. You can't use this
22 to just go down to the bank and say, Hey, give me \$100,000
23 Federal Reserve notes. That's the illusion that's going on
24 here. You have to be able to go into a bank or financial
25 institution or credit card company to actually get the money in

1 the first place.

2 So -- but the money came from us and then went back
3 to us and then back to the government and then back to us
4 because it continually -- all this is about -- it's all about
5 life. It continually circulates.

6 So to wrap this up, my entire career has been about
7 trying to help people. My entire career from my family,
8 fighting for health freedom, writing books with my; mom, *Foods*
9 *that Heal; Nutrition, the Cancer Answer; The Dieter's Bible*.
10 My step-dad set up alternative cancer clinics in Reno and
11 Tijuana, and, again, everybody called us crazy, that there were
12 cures for cancer, that there were -- that there were ways to
13 treat people other than the -- the medical profession. That --
14 that vaccines might be bad; that the pharmaceutical companies
15 might have it in for us, that *Monsanto*, all these -- you know,
16 all these -- this is what I deal in.

17 Now, I uncovered things like area 51. Have you --
18 have you noticed the -- have you noticed the level of
19 persecution here, how much money the government spent on this
20 for something that they don't want -- there's no monetary
21 damages for any of this.

22 And I just want you to know that lightening angels
23 are around us now looking down on all of us, looking down on
24 us. There are millions of people watching this case to find
25 out whether -- whether you folks take an entire philosophy,

1 really a religion, if you will, whether or not you want to
2 persecute that, whether or not you want to persecute people
3 that think there's some hope out there. The biggest thing that
4 I thought I could do with the bond process, if it was real, if
5 it worked -- I still in my heart of hearts think it's real, the
6 challenge is -- and I think it might still be working somewhere
7 because, again, it's within the scope of the law. My hope here
8 was to be able to help students setoff debt.

9 \$1.7 trillion in student debt that the government
10 won't let you bankrupt out of, that the government won't give
11 you any break on. They violated your constitutional rights to
12 bankruptcy just so the banks could get paid. And that was my
13 hope. My hope was to start maybe doing some process like that.
14 But, again, if you -- if don't find us not guilty, if you don't
15 go in there and say -- because it does really boil down to what
16 Mr. Brody said. It boils down to -- do you really think we
17 have willful intent? Do you really think we out there with
18 people like, you know, lovely Barbara Lavender. I said, Look, I
19 don't know if this is going to work. I'm not a lawyer. I'm
20 not your -- and I told everybody this: We're going to give
21 this a shot. It's all going to depend on whether or not they
22 accept it. By the way, Barbara testified that when I said,
23 Look, if we get the bond back, I'll give you back your money,
24 and she called Navient, the bank, and she said, Can I have the
25 bond back, please. No. Why are these so valuable. Why do

1 they keep them? And in every single situation: Can I have the
2 bond back?

3 No.

4 Where is the bond?

5 We don't know.

6 What did you do with it?

7 Oh, we destroyed it.

8 Do you have any proof you destroyed it?

9 By the way, was there one person that they put up
10 here who actually physically saw a bond and destroyed it? No.
11 So there's gigantic holes in their case.

12 So, again, I -- I -- all I can say is that my goal in
13 live is to work for the enlightenment of all salient beings, to
14 work for the benefit of everyone, and if you don't find us not
15 guilty, that life ends, it ends, and the millions of people
16 that are watching this case are going to realize the IRS and
17 the government -- not exactly popular, not exactly truthful, if
18 you look at all the things they've done to you and us, the
19 American people -- has won again by crushing people that were
20 doing nothing but trying to do good.

21 And so in your heart of heart if you really think
22 that we have willfulness and culpability -- it's culpability,
23 it's all about -- it's all about our state of mind. There's
24 been nothing that's been proven here. They haven't put one
25 witness up here that talks about state of mind.

1 So with that, I -- I plead, I beg, I pray, I ask for
2 mercy of Jesus Christ, I ask for angels to guide your hearts
3 and your souls and your minds to come to the proper aspect of
4 this to understand that we had no willful intent here. We had
5 no intent to defraud. We had no culpability in any of this
6 other than to study. We did not want to work outside the laws
7 of the United States, which is why -- the bible says "Study to
8 show yourself approved."

9 And we also believe that there -- that, once again,
10 that no weapon formed against thee shall prosper and "Yea,
11 though we walk through the valley of the shadow of death, you
12 shall fear no evil," and this is our -- this is our shadow of
13 death, and you are the angels that we are hoping we can reach
14 up into the light and have save us.

15 Thank you very much. Thank you for your time. Thank
16 you for being here.

17 THE COURT: Members of the jury, it's now into the
18 lunch hour. The government has an opportunity to rebut. I'm
19 going to recess for the lunch hour, come back at 20 after 1:00.
20 the government will deliver -- I understand lunch has been
21 ordered for you because we didn't know what the schedule will
22 be. So I guess you can eat it or buy your own lunch, whatever
23 you choose, and come back at 1:20. We'll hear the government's
24 rebuttal, I'll deliver some brief concluding instructions, and
25 then you'll have the case for decision.

1 Don't talk to each other about the case.

2 Yes.

3 MR. HUGHES: Your Honor, I can be finished in three
4 minutes if that would move things along.

5 THE COURT: I didn't realize that. Go ahead.

6 We may have a few minutes more, then.

7 MR. HUGHES: That man's paid \$1 in tax over the last
8 20 years.

9 DEFENDANT SEAN DAVID MORTON: Objection, Your Honor.

10 MR. HUGHES: You heard that from Kristy Morgan --

11 DEFENDANT SEAN DAVID MORTON: Objection, Your Honor.

12 THE COURT: That's not proper rebuttal because his
13 payment of taxes never came up in his argument. So rebuttal
14 only can deal with matters that were raised in the defense
15 argument.

16 DEFENDANT SEAN DAVID MORTON: Ask to strike it from
17 the record, Your Honor.

18 THE COURT: Stricken.

19 MR. HUGHES: Very well. That man has just told you
20 why he believes he was entitled to 3-million plus in refunds.
21 He told you that he had a good-faith belief in the OID program.
22 But ask yourself and look what happened when he actually
23 received a chunk of that refund.

24 DEFENDANT SEAN DAVID MORTON: Objection, Your Honor.
25 It's already been explained.

1 THE COURT: Well, it was brought up again in your
2 argument so the government can rebut. Overruled. Go ahead.

3 MR. HUGHES: They moved the funds into two new
4 accounts they'd set up that day; they withdrew 70,000 extra in
5 cash. The defense counsel for Melissa Morton called this a red
6 herring. He said the fact that the day they received the
7 refund, they move it out immediately: Ninety percent into two
8 new accounts that had no tie to that man's Social Security
9 number, the same Social Security number on those returns.

10 Defense counsel for Melissa Morton, he talked about
11 the statements that Mr. Morton made in the recording where he
12 talked about the warnings that he had received from attorneys
13 and from others that what he was doing --

14 DEFENDANT SEAN DAVID MORTON: Objection, that's not
15 what was said.

16 THE COURT: Overruled.

17 MR. HUGHES: But I'd like to point out there was
18 another comment that Mr. Morton made. He said of all the tax
19 returns that are filed in the United States, the IRS actually
20 sent out about 1200 letters or so after people, and of those
21 they take actual action against about 500, and anything that
22 actually then results in penalties or fines or whatever boils
23 down to about 250 people a year to give you an idea. That's
24 what a scarecrow does. That's not a justification, that's an
25 invocation to play-the-audit lottery. It doesn't say that what

1 you think you're doing is right, it says you think you won't
2 get caught.

3 Now, when he was on the stand, defendant Sean David
4 Morton, he tried to make -- when he was on this lectern, well,
5 he tried to make it sound as if this was the government's fault
6 that they sent letters, that they said again and again, We need
7 help. The one thing they never did: They never filed
8 legitimate returns. They never filed returns that took out
9 that OID income.

10 DEFENDANT SEAN DAVID MORTON: Objection, Your Honor.

11 That's --

12 THE COURT: Overruled.

13 MR. HUGHES: It's the same thing with the bonds,
14 ladies and gentlemen. They got notice; they kept going.
15 Notice from the FTB telling them, These aren't legitimate
16 instruments. They kept going; they kept charging \$2500 a
17 piece.

18 And defense -- they've also talked about how -- if
19 Barbara Lavender and Carol Meier believed this, why not Melissa
20 Morton? Well, the answer to that is those two had not been
21 told by the FTB this is frivolous; this isn't legitimate, and
22 two, they didn't type the bond up on their computer.

23 Ladies and gentlemen, I submit to you that defendants
24 committed fraud after fraud despite warning after warning, and
25 that's why you should return a verdict of guilty on all counts.

1 Thank you.

2 THE COURT: Members of the jury, I have some
3 concluding instructions. Just one moment. When you begin your
4 deliberations, elect one member of the jury as your presiding
5 juror who will preside over the deliberations and speak for you
6 here in court. You will then discuss the case with your fellow
7 jurors to reach agreement if you can do so. Your verdict,
8 whether guilty or not guilty, must be unanimous. Each of you
9 must decide the case for yourself but you should do so only
10 after you have considered all the evidence, discussed it fully
11 with the other jurors, and listened to the views of your fellow
12 jurors. Do not be afraid to change your opinion if the
13 discussion persuades you that you should, but do not come to a
14 decision simply because other jurors think it is right. It is
15 important that you attempt to reach unanimous verdict only if
16 each of you can do so after having made your own conscientious
17 decision. Do not change an honest belief about the weight and
18 affect of the evidence simply to reach a verdict. Some of you
19 have taken notes during the trial. Whether or not you took
20 notes, you should rely on your own memory of what was said.
21 Notes are only to assist your memory. You should not be overly
22 influenced by your notes or those of your fellow jurors.

23 The punishment provided by law for this crime is for
24 the court to decide. You may not consider punishment in
25 deciding whether the government has proved its case against the

1 defendant beyond a reasonable doubt.

2 A verdict form has been prepared for you. After you
3 have reached a unanimous agreement on a verdict, your presiding
4 juror should complete the verdict form according to your
5 deliberations, sign and date it and advise the bailiff that you
6 are ready to return to the courtroom.

7 If it becomes necessary during your deliberations to
8 communicate with me, you may send a note through the bailiff
9 signed by any one or more of you. No member of the jury should
10 ever attempt to communicate with me except by a signed writing,
11 and I will respond to the jury concerning the case only in
12 writing or here in open court.

13 If you send out a question, I'll consult with the
14 lawyers before answering it, which may take some time. You may
15 continue your deliberations while waiting for the answer to any
16 question. Remember that you are not to tell anyone, including
17 me, how the jury stands, numerically or otherwise, on any
18 question submitted to you including the question of the guilt
19 of the defendant until after you've reached unanimous verdict
20 or have been discharged.

21 Will the bailiff come forward.

22 Please state your full name and spell your name for
23 the record. David William, W-i-l-l-i-a-m-s.

24 (Bailiff sworn.)

25 THE BAILIFF: Yes.

1 THE CLERK: Thank you.

2 THE COURT: Members of the jury, you can now begin
3 your deliberations. As I said, lunch has been ordered for you.
4 You have to remain as a body from this point forward, that is,
5 you have to deliberate only when 12 of you are together. You
6 can't deliberate until you have the full 12.

7 With regard to the alternates, Mr. Urman and
8 Ms. Borja, let me thank you for your careful attention to the
9 case and your punctuality. It's appreciated, but the rules
10 don't allow you to deliberate because all the other jurors have
11 been here throughout, but your service is just as significant
12 because there does come -- there are occasions when, for one
13 reason for another, a juror becomes incapacitated, and without
14 your willingness to serve as alternates those trials could
15 become nullities. So we appreciate what you did, and
16 unfortunately I have to excuse you at this time. So thank you.
17 You're excused. If you have any items in the jury room, please
18 retrieve those items and leave the jury room before the other
19 jurors arrive. Thank you.

20 I will shortly give you a copy of the instructions
21 that I read, a verdict form, and all the exhibits which have
22 been received into evidence, and you can begin your
23 deliberations as soon as you get to the jury room, or if you
24 want to have your lunch first or a combination, whatever you
25 decide.

1 You may file out now.

2 (Proceedings held outside the presence of the jury:)

3 THE COURT: Mr. Brody, you had a motion.

4 MR. BRODY: Yes, thank you, Your Honor. Just very
5 briefly a motion for mistrial based on the court's limitation
6 of my closing argument.

7 THE COURT: Motion is denied.

8 MR. BRODY: Thank you, Your Honor.

9 THE COURT: There was some discussion about the
10 verdict form. What does that involve?

11 MS. MAKAREWICZ: Your Honor, last week we submitted
12 proposed verdict forms for each defendant separately. The
13 format that the government used only identified or made
14 reference to specific count to the superseding indictment, and
15 the government understands and submits that the indictment
16 shouldn't, as the court ruled yesterday, be presented to the
17 jury except because of the multiplicity, or the multitude of
18 counts, there's nothing on each verdict form to identify --

19 THE COURT: Let me show what you have proposed.

20 MS. MAKAREWICZ: Yes, sir.

21 May I approach?

22 THE COURT: Yes.

23 It seems as though the government's amended verdict
24 form would be helpful because there is no indictment going to
25 the jury.

1 MR. BRODY: I haven't seen it, Your Honor.

2 THE COURT: Then take a look at it. It just has a
3 brief caption so the jury knows what each count relates to.

4 MS. MAKAREWICZ: I think --

5 THE COURT: Just one moment. Let him look at it.

6 MR. BRODY: I don't have any objection.

7 THE COURT: The verdict form can go to the jury.

8 I'll get the instructions finalized, and they'll go
9 to the jury, and the exhibits that have been received will go
10 to the jury.

11 We've only been in this court house a few months so
12 is there a room where you're available for a --

13 (Discussion held off the record)

14 THE COURT: Mr. Morton, will you be in the attorney
15 lounge also in case we have to call you if there's a jury note
16 or verdict or something?

17 DEFENDANT SEAN DAVID MORTON: Can I go get lunch?

18 THE COURT: Yeah, you can get lunch for sure.

19 DEFENDANT SEAN DAVID MORTON: Just be around.

20 THE COURT: Do you know about the attorney lounge,
21 Mr. Morton, on the second floor?

22 DEFENDANT SEAN DAVID MORTON: There is an attorney
23 lounge? Oh, my. It's like a private club?

24 THE COURT: I don't know. I've never been there.

25 Might be a good place to wait because the jury may send a note

1 or something, and you have to be present when that happens.

2 DEFENDANT SEAN DAVID MORTON: Thank you.

3 MS. MAKAREWICZ: Your Honor, I beg the court's
4 indulgence. I'm confused as to the ruling regarding the
5 verdict forms. There's no identifying -- for example, if the
6 jury agreed with the coupon and it didn't agree with the bond,
7 there's no way in the jury verdict form for the --

8 THE COURT: The verdict was the one you prepared --

9 DEFENDANT SEAN DAVID MORTON: Yeah --

10 MS. MAKAREWICZ: Yes, but at that moment, at the time
11 that we filed, you had ruled that the indictment would go back
12 to the jury.

13 THE COURT: Oh, I misunderstood. I thought this was
14 the -- I thought the verdict form was just "guilty" or "not
15 guilty" as to the various counts, and you're saying that the
16 verdict form I just examined, which had just a caption of the
17 charge for each count, that's a revised verdict form, correct?

18 MS. MAKAREWICZ: No, this is the verdict form that we
19 submitted last week when the ruling was that the indictment
20 would go back to the jury. So there's no way to correlate
21 count by count to the verdict forms.

22 THE COURT: Why not? I mean, the jury has heard
23 argument about what counts relate to what violations. Oh, I
24 mean, there are a number of counts, but it was clear to the
25 jury that count nine through 56 --

1 MS. MAKAREWICZ: Yes.

2 THE COURT: -- all relate to the same situation, a
3 third party misusing the bonds, and I think the jury has enough
4 to guide them.

5 MS. MAKAREWICZ: Thank you, Your Honor.

6 THE COURT: Thank you.

7 (Noon recess)

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1 **LOS ANGELES, CALIFORNIA; THURSDAY, MAY 7, 2017; 2:10 P.M.**

2 - - - - -
3 (Proceedings held outside the presence of the jury:)

4

5 THE COURT: Back on the record with the defendants
6 and counsel. I received a note from the jury --

7 THE CLERK: It was a verbal request through me.

8 THE COURT: It was verbal request through Mr. Cruz.
9 They want a copy of the exhibit list.

10 THE CLERK: This is a redacted list prepared by the
11 government of only the exhibits admitted into evidence.

12 THE COURT: Did you want to see this, Mr. --

13 MR. BRODY: I have a copy. Thank you, Your Honor.

14 THE COURT: I have no objection. It's hard to follow
15 all the exhibits without an exhibit list. I didn't give them
16 anything else so I'm going to let them see it.

17 MR. BRODY: Your Honor, could I be heard?

18 THE COURT: Yes.

19 MR. BRODY: I do have an objection.

20 THE COURT: What is that?

21 MR. BRODY: I mean, first of all -- well,
22 specifically there's at least one exhibit here entitled "False
23 Financial Instrument."

24 THE COURT: That's the kind of thing that I want to
25 know about because that shouldn't be in the list. I mean,

1 anything like any language that is more suggestive than the
2 briefest description of what the exhibit is should not be given
3 to the jury. So why don't you take -- I am inclined to give
4 them a copy of an exhibit list, but I don't want any suggestive
5 language in it.

6 Can you take a look at it and see if there's anything
7 else like that in there.

8 MR. BRODY: I can, Your Honor, although, just for the
9 record, I do object to them getting any list at all. I think
10 it -- I mean, describing the documents, it's sort of almost
11 like a summary of the documents. I mean, it's improper. It's
12 additional evidence. It's not the evidence. The evidence are
13 the documents themselves.

14 DEFENDANT SEAN DAVID MORTON: I object, as well, Your
15 Honor.

16 MR. BRODY: The jury's been --

17 THE COURT: They do know the general category of
18 things. I'll have to --

19 MS. MAKAREWICZ: Your Honor --

20 THE COURT: Yes.

21 MS. MAKAREWICZ: If it might assist the jury, the
22 exhibit list is in order of presentation. So, for example, if
23 they are looking for 1099-OID information, that will appear at
24 the -- in the front of the exhibits, and then the 514
25 information will come latter. So if the court would like to

1 orally assist the jurors by giving them some parameters, it
2 really wasn't the most -- in the order of presentation.

3 MR. BRODY: And I would have no objection to a
4 response to the jury simply saying that the exhibits are in the
5 order of presentation.

6 MS. MAKAREWICZ: I would say 80 percent of them are
7 in order of presentation.

8 DEFENDANT SEAN DAVID MORTON: Without the list.

9 THE COURT: Let me give that a little thought.

10 I'll get back to you. Stay here.

11 MS. MAKAREWICZ: Your Honor, we're also happy to send
12 Mr. Brody the document, and if he wants to edit it to his
13 liking, we can do that as well.

14 THE COURT: Well, I don't see anything in the list
15 that's like what he said except for that No. 20, which says
16 "False Financial Instrument."

17 DEFENDANT SEAN DAVID MORTON: Twenty-one, Your Honor.

18 THE COURT: Twenty-one also.

19 MS. MAKAREWICZ: Move to redact that --

20 THE COURT: I'm looking at them. Let me just look at
21 them now.

22 I would even redact some of the descriptions at or
23 about -- starting at Exhibit 79, when it says "Submitted by
24 Sean David Morton" to "Revenue found during search of
25 computers." In other words, that's descriptive --

1 MR. BRODY: Yes, Your Honor.

2 THE COURT: I would limit it to just "Printout of
3 Microsoft Word file discharge bond and indemnity."

4 MR. BRODY: Your know, I still think that if they
5 look at that exhibit at this point, the government's put on
6 this case, they've told them what it is, they've told them
7 where it was found. I don't think that any --

8 THE COURT: I understand what you're saying.

9 MR. BRODY: Yes, Your Honor.

10 THE COURT: Let's take a look and see where else some
11 of these descriptions might be deleted.

12 DEFENDANT SEAN DAVID MORTON: Again, Your Honor, I
13 object to the entire list rather than just --

14 THE COURT: You made your objection, sir.

15 DEFENDANT SEAN DAVID MORTON: Exception.

16 THE COURT: All that found language is in almost all
17 the descriptive language about 79, forward; so all of that
18 would have to be deleted if the --

19 MR. BRODY: Also, Your Honor, for example, on item
20 No. 116 -- and there are some others like it that says "bond
21 client e-file."

22 "Bond client" itself is instructive.

23 MS. MAKAREWICZ: We can leave it.

24 THE COURT: I think you're right.

25 MR. BRODY: Your Honor, if I may?

1 THE COURT: Yes.

2 MR. BRODY: Many of these also say -- well, for
3 example, No. 121, "For Barbara Lavender re: Navient."

4 THE COURT: "Re" -- I see. That should go out, too.

5 MR. BRODY: Yes, yes.

6 DEFENDANT SEAN DAVID MORTON: Also 120. Says the
7 same thing.

8 THE COURT: All right. That should go out.

9 DEFENDANT SEAN DAVID MORTON: Also 123.

10 MR. BRODY: Yes, there are a lot of those.

11 MS. MAKAREWICZ: We can make those changes.

12 DEFENDANT SEAN DAVID MORTON: Again, I object to this
13 entire list, Your Honor.

14 THE COURT: You've made your objection. Let's go
15 through it and see what language there is in it that may be
16 beyond a description. I'm listening to your comments as I
17 look.

18 DEFENDANT SEAN DAVID MORTON: 131 --

19 MS. MAKAREWICZ: Your Honor, we could --

20 THE COURT: I didn't ask for your comment. Just hold
21 on a second until we get this done in an orderly way.

22 131 does have that comment.

23 DEFENDANT SEAN DAVID MORTON: Also 132, Judge.

24 THE COURT: Right.

25 DEFENDANT SEAN DAVID MORTON: It's all part of the

1 same thing, 133, 134.

2 THE COURT: I see it.

3 MR. BRODY: I think perhaps also if some of them do
4 have the "re:" language and others, for example, 132, says
5 "Printout of Word file nonnegotiable payment bond for David M.
6 Sipes/Barclay bond."

7 DEFENDANT SEAN DAVID MORTON: Also 139, 140.

8 THE COURT: Just one moment.

9 DEFENDANT SEAN DAVID MORTON: Sorry?

10 THE COURT: Just one second. Let me consider what
11 Mr. Brody just said.

12 Just give me a few moments to ponder this, and then
13 I'll get back to you.

14 MR. BRODY: Thank you, Your Honor.

15 (Recess)

16 THE COURT: Back on the record.

17 As I was walking out, the bailiff handed me a jury
18 note at 2:15 p.m., and it says, "The jury requests the
19 following: Which charge is associated with Exhibit 161?"

20 So it does appear as though the jury is having some
21 difficulty with the numbering of the exhibits. It's signed
22 Leticia Mariscol, and just for your information, that would be
23 juror No. -- let's see. I lost her. Which one is she?

24 MR. BRODY: She's not -- juror No. 8, Your Honor? Am
25 I mistaken? Could be mistaken.

1 THE COURT: I had so many cross-outs --

2 THE CLERK: I believe it is juror No. 1, last name is
3 Leticia Perez.

4 THE COURT: Why did she sign is "Mariscol"?

5 THE CLERK: That, I don't know, Your Honor, but juror
6 No. 1 is Leticia Perez.

7 THE COURT: Oh, maybe that's -- her maiden name is
8 Mariscol. So must be Leticia Mariscol Perez, but she must
9 associate herself with the name Mariscol.

10 So it's juror No. 1 who is the foreperson of the
11 jury. Okay. Let me give this a moment's thought, and then
12 I'll get back to you.

13 MR. BRODY: Could I add one thing, Your Honor?

14 THE COURT: Yes.

15 MR. BRODY: Actually, I'm sorry. Never mind.

16 DEFENDANT SEAN DAVID MORTON: Your Honor, one
17 thought. That was the -- that document, 161, that you were
18 talking about was only -- was only witnessed by me. It doesn't
19 have Melissa on it; it doesn't have anybody else on it.

20 THE CLERK: All rise.

21 (Recess)

22 (Proceedings held outside the presence of the jury:)

23 THE COURT: Back on the record with the defendants
24 and counsel. To the best of my memory, no one has ever
25 objected to the jury getting an exhibit list, and so I've never

1 had to give it a tremendous amount of thought. I have given
2 the exhibit list, as have many other courts in cases like this
3 on many, many occasions. It's such a self-evident proposition
4 that there is no case law on it except that I did locate a case
5 in the Second Circuit, which doesn't directly speak to this
6 question, but it held that when an exhibit list was given to
7 the jury and the exhibit list contained exhibits that -- some
8 exhibits that weren't even received into evidence, that that
9 was not prejudicial error; and here, of course, there's nothing
10 like that. All exhibits have been received into evidence.

11 So I am going to allow the jury to get the exhibit
12 list on the proviso that the government make the redactions
13 that we've discussed, show them to counsel, and I'm going to
14 tell the jury that an exhibit list is being prepared.

15 DEFENDANT SEAN DAVID MORTON: Your Honor?

16 THE COURT: Yes.

17 DEFENDANT SEAN DAVID MORTON: There is a question
18 about 161, which is the Scott Seehausen bond, which isn't even
19 a charge.

20 THE COURT: But, I mean, is that admitted into
21 evidence, that bond?

22 MS. MAKAREWICZ: The exhibit was admitted into
23 evidence, Your Honor.

24 THE COURT: Then that will be part of it.

25 The objection is noted by the defendants, but when

1 you agree in its redacted form, give it to Mr. Cruz; he'll give
2 it to the jury.

3 MR. BRODY: Thank you, Your Honor.

4 THE COURT: The specific question was "Which charge
5 is associated with Exhibit 161"?

6 I'll think about my answer about their getting an
7 exhibit list satisfactorily answers that, doesn't directly, but
8 it's as much as I want to get into it.

9 (Recess)

10 (Open Court - Jury Present)

11 THE COURT: We're present with the parties and
12 counsel.

13 Second note: The jury said we answered our own
14 question after our review. and then the jury checked the box
15 indicating they have reached a unanimous verdict, signed by
16 Leticia Perez.

17 Ms. Perez, would you hand up the verdict to my
18 courtroom deputy.

19 The verdict as to defendant Sean Morton as to count
20 one, it's guilty; count two, guilty; count three, guilty; count
21 six, guilty; count seven, guilty; count nine, guilty; count
22 ten, guilty; count 11, guilty; count 12, guilty; and guilty as
23 to counts 13 through 32.

24 And as to defendant Melissa Morton, guilty as to
25 count one; guilty, count four; guilty, count five; guilty,

1 count eight; guilty, count 33; guilty, count 34, 35, 36, 37,
2 38, 39, 40, 41, 42, 43, 44; guilty as to the remaining
3 counts --

4 (Interruption)

5 THE COURT: Would the jury file out -- don't leave,
6 just file out.

7 (Pause in the proceedings)

8 (Open Court - Jury Present)

9 THE COURT: Members of the jury, I read the verdicts
10 as to both the defendants. Your verdict was guilty as all
11 counts charged.

12 Is that the verdict, so say each of you? I see all
13 heads nodding.

14 Do you wish the jury polled?

15 MR. BRODY: If you would, Your Honor.

16 THE CLERK: Ladies and gentlemen, as I call your name,
17 please answer "yes" if this is the verdict as presented and
18 read.

19 Ms. Perez?

20 A. Yes, this is the verdict as presented and read.

21 THE CLERK: Okay.

22 Mr. Cooke?

23 A. Yes.

24 THE CLERK: Mr. Johnson?

25 A. Yes.

1 THE CLERK: Ms. Nguyen?

2 A. Yes.

3 THE CLERK: Ms. Ingebretson?

4 A. Ingebretson, yes.

5 THE CLERK: Ms. Moore?

6 A. Yes.

7 THE CLERK: Ms. Benudiz?

8 A. Yes.

9 THE CLERK: Mr. Liu?

10 A. Yes.

11 THE CLERK: Ms. Niketen?

12 A. Yes.

13 THE CLERK: Mr. Raza?

14 A. Yes.

15 THE CLERK: Mr. Napier?

16 A. Yes.

17 THE CLERK: Ms. Nguyen?

18 A. Yes.

19 THE COURT: Members of the jury, let me thank you for
20 your valuable service in this case. You were a very attentive
21 and very punctual jury. I observed you following the
22 testimony. This case was well suited for your determination.
23 Frankly, I couldn't have decided the case any better than you.
24 This was a very appropriate jury case. You rendered a verdict.
25 We appreciate your verdict, and we thank you for your valuable

1 service. You're discharged with the court's thanks and
2 appreciation.

3 I'm sorry for both Mr. and Mrs. Morton that
4 Mrs. Morton collapsed, but in your absence the paramedics were
5 here, and her vital signs seemed to be okay. So hopefully
6 she'll make a recovery.

7 Thank you, again, for your service. I hope it was an
8 informative experience for you and thank you again.

9 (Proceedings held outside the presence of the jury:)

10 THE COURT: We have to set a date for sentencing.

11 What date, Paul?

12 THE CLERK: June 19th at 11 a.m.

13 THE COURT: Is that satisfactory to you, Mr. Brody?

14 MR. BRODY: It is, Your Honor. Thank you.

15 (Proceedings concluded at 3:36 p.m.)

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1 C E R T I F I C A T E
2

3 I hereby certify that pursuant to Section 753,
4 Title 18, United States Code, the foregoing is a true and
5 correct transcript of the stenographically reported proceedings
6 held in the above-entitled matter and that the transcript page
7 format is in conformance with the regulations of the Judicial
8 Conference of the United States.

9
10 Date: June 13, 2017
11

12 /S/ _____
13 Deborah K. Gackle
CSR No. 7106
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| | 807/6 807/8 807/10 807/12 807/14 807/16 808/11 THE COURT: [120] \$ \$1 [1] 787/7 \$1.7 [1] 784/9 \$1.7 trillion [1] 784/9 \$10 [1] 746/14 \$100 [1] 746/14 \$100,000 [2] 742/6 \$12,000 [1] 724/15 \$14 [1] 776/10 \$15 [1] 752/23 \$165,000 [1] 728/14 \$20,000 [1] 758/18 \$200,000 [1] 726/19 \$23,000 [1] 726/18 \$250,000 [1] 726/15 \$2500 [3] 733/25 735/2 789/16 \$3 [1] 761/1 \$3.9 [1] 724/14 \$3.9 million [1] 724/14 \$300,000 [1] 742/6 \$400,000 [2] 742/1 742/6 \$44,000 [1] 746/15 \$4400 [1] 739/18 \$480,000 [5] 725/4 726/1 731/25 735/8 767/1 \$5 [5] 739/16 739/17 739/20 746/15 760/1 \$5,000 [1] 728/5 \$5.2 [1] 731/8 \$5.2 million [1] 731/8 \$500 [2] 767/4 767/11 \$55 [1] 782/13 \$70,000 [1] 725/21 ' '5 [1] 769/2 '6 [1] 769/2 '7 [1] 769/2 'em [2] 776/7 776/8 / /S [1] 809/12 0 09 [3] 726/10 726/10 726/17 1 10 [2] 734/9 758/6 100 [1] 756/13 1040 [1] 755/11 1099 [1] 758/22 | 1099-OID [5] 724/23 725/2 741/18 766/10 798/23 1099-OIDs [1] 766/11 1099s [1] 727/14 11 [2] 805/22 808/12 110,000 [4] 725/19 726/6 726/10 726/13 116 [1] 800/20 12 [4] 777/21 792/5 792/6 805/22 120 [1] 801/6 1200 [1] 788/20 121 [1] 801/3 123 [1] 801/9 13 [2] 805/23 809/10 131 [2] 801/18 801/22 132 [2] 801/23 802/4 133 [1] 802/1 134 [1] 802/1 139 [1] 802/7 14 [2] 728/13 731/9 140 [1] 802/7 1400 [1] 701/8 15 [2] 726/18 731/1 15,000 [1] 726/4 161 [4] 802/19 803/17 804/18 805/5 17 [3] 725/3 725/24 731/1 18 [16] 707/24 711/1 711/4 711/5 711/11 712/23 714/2 714/4 714/5 714/15 719/8 721/15 721/21 722/11 731/16 809/4 19 [2] 728/11 731/16 1933 [1] 741/5 1974 [1] 748/16 1984 [2] 749/8 770/13 1998 [1] 743/11 19th [1] 808/12 1:00 [1] 786/19 1:20 [1] 786/23 | 2014 [1] 734/15 2017 [4] 700/16 702/1 797/1 809/10 21 [1] 734/21 213 [2] 700/25 701/16 250 [1] 788/23 250,000 [2] 725/20 726/7 25th [1] 734/15 26 [1] 731/13 26th [1] 762/1 287 [5] 711/2 711/4 711/5 711/11 712/23 290 [1] 701/16 2:10 [1] 797/1 2:15 [1] 802/18 2nd [2] 724/6 731/17 | 5294 [1] 701/16 56 [7] 714/3 720/5 720/6 720/14 721/19 733/8 795/25 58 [1] 734/11 5831099 [1] 775/24 5891 [3] 725/12 725/20 726/14 |
| | | | 6 6/8/09 [1] 726/10 650 [1] 747/5 6:00 [1] 754/16 | |
| | | | 7 70 [1] 756/5 70,000 [1] 788/4 700 [1] 700/19 7106 [1] 809/13 753 [1] 809/3 79 [2] 799/23 800/17 | |
| | | | 8 80 [1] 799/6 808 [1] 700/19 8913 [1] 700/25 894-8913 [1] 700/25 | |
| | | | 9 90 [2] 725/16 766/2 90012 [2] 700/24 701/9 90071 [1] 701/16 916 [1] 718/19 975 [1] 701/15 9800 [2] 726/13 726/14 99 [1] 774/20 9:25 [1] 702/1 | |
| | | | A a.m [3] 702/1 754/16 808/12 abandoned [1] 758/23 ability [1] 705/25 able [6] 737/5 755/21 758/21 761/6 782/24 784/8 above [1] 809/6 above-entitled [1] 809/6 absence [1] 808/4 absolutely [2] 743/8 744/9 absorbing [1] 774/9 accept [3] 713/23 718/4 784/22 acceptance [1] 752/13 access [7] 733/17 761/3 777/18 779/4 779/4 779/14 780/17 | |

| | | | | |
|----------|---|---|--|--|
| A | 753/24 755/11 755/11 755/12 756/17 760/1 761/24 762/5 762/8 762/11 765/25 767/14 775/5 775/6 777/16 777/17 779/25 781/15 781/15 781/22 782/21 782/25 785/10 787/22 788/19 788/22 803/15 Adams [17] 727/17 727/18 739/3 739/10 740/9 740/10 740/17 741/4 741/17 742/9 742/20 742/20 749/20 758/2 776/3 776/6 779/12 Adams' [1] 740/19 add [4] 720/3 720/19 768/22 803/13 addition [1] 703/17 additional [1] 798/12 address [2] 742/13 742/16 adequately [1] 720/3 Administration [1] 748/17 admission [1] 737/13 admitted [5] 707/1 707/17 797/11 804/20 804/22 advance [1] 709/4 advice [1] 765/6 advise [1] 791/5 advised [1] 729/8 affect [4] 707/8 717/25 738/13 790/18 affidavit [3] 754/5 772/1 772/4 afraid [2] 739/12 790/12 after [29] 704/8 704/12 708/10 722/16 723/10 726/6 726/17 731/10 733/19 733/20 734/21 735/1 735/9 738/17 739/15 739/15 753/14 753/15 754/3 754/3 786/19 788/20 789/24 789/24 790/10 790/16 791/2 791/19 805/14 again [59] 702/20 702/21 728/3 728/8 728/17 728/22 729/1 729/11 729/12 736/4 748/24 753/1 753/17 754/2 754/15 754/21 756/23 757/1 758/18 762/22 763/10 763/22 actually [34] 713/20 716/18 731/12 741/25 747/23 752/18 753/3 | 771/12 772/23 773/2 773/14 774/8 776/16 776/25 777/8 778/9 778/20 779/12 780/13 781/22 782/3 782/16 783/11 784/7 784/14 785/12 785/19 786/9 788/1 789/6 789/6 800/12 801/12 808/7 808/8 against [34] 706/17 706/20 711/8 711/13 712/11 712/14 712/25 713/4 713/6 719/11 721/18 722/1 722/21 722/12 750/13 age [1] 752/4 agencies [1] 752/9 agency [8] 702/14 711/8 711/9 712/15 712/22 712/25 713/2 731/6 agent [4] 701/11 733/17 734/10 754/8 agent's [2] 727/20 754/6 agents [3] 737/2 751/17 759/19 ago [3] 722/20 732/25 748/1 agree [4] 703/4 760/25 795/6 805/1 agreed [6] 708/18 708/20 709/2 710/12 732/15 795/6 agreeing [2] 708/12 709/1 agreement [9] 708/4 708/13 708/14 708/15 708/17 708/20 717/14 790/7 791/3 ahead [3] 736/2 787/5 788/2 air [1] 770/19 Alexander [3] 776/2 776/6 776/10 aliases [1] 772/19 aliens [1] 766/15 all [149] alleged [5] 708/24 719/6 720/21 722/4 735/21 allow [3] 762/11 792/10 804/11 almost [4] 740/2 777/13 798/10 800/16 | alone [2] 728/14 741/19 along [3] 713/12 723/5 787/4 already [2] 716/17 787/25 also [33] 701/11 703/2 717/17 718/7 723/12 731/7 733/18 749/23 751/20 757/2 759/7 759/8 760/8 761/19 770/11 770/20 774/6 775/9 775/22 776/2 776/7 786/9 789/18 794/15 799/11 799/18 800/19 801/2 801/6 801/9 801/23 802/3 802/7 alternates [2] 792/7 792/14 alternative [3] 748/13 748/19 783/10 although [2] 704/24 798/8 always [2] 751/21 761/20 am [11] 706/15 718/20 723/20 735/12 742/10 754/8 770/19 771/25 798/3 802/24 804/11 amended [1] 793/23 Amendment [5] 755/1 755/9 755/10 755/14 755/24 America [6] 753/9 756/25 763/22 769/25 770/9 779/9 American [2] 749/21 785/19 Americans [1] 749/20 among [1] 747/10 amount [2] 717/10 804/1 amounts [1] 739/18 analogy [1] 740/25 ANGELES [7] 700/15 700/24 701/9 701/16 702/1 750/4 797/1 angels [3] 783/22 786/2 786/13 angles [1] 748/8 answer [12] 740/5 749/7 759/20 772/13 772/13 772/14 781/24 783/9 789/20 791/15 805/6 806/17 answered [1] 805/13 answering [1] 791/14 answers [2] 704/25 805/7 any [77] 703/6 703/12 703/18 703/22 703/22 | 704/1 704/17 705/6 705/17 705/20 705/24 706/3 706/4 706/6 706/13 706/21 706/21 706/22 707/19 711/6 711/7 711/8 711/9 712/25 713/23 713/24 714/9 717/12 717/16 724/22 724/23 724/24 728/21 729/2 729/15 729/17 730/7 730/12 730/16 737/9 737/13 737/18 738/16 739/5 742/14 744/8 747/10 757/20 761/19 763/25 766/5 770/4 770/5 772/14 772/23 774/24 775/24 775/25 776/1 776/17 778/22 778/24 781/13 783/21 784/11 785/8 786/5 791/9 791/15 791/17 792/17 794/6 798/1 798/4 798/9 800/7 807/23 anybody [10] 738/21 746/19 756/8 758/25 758/25 760/24 766/7 767/23 777/1 803/19 anymore [1] 774/25 anyone [4] 712/24 718/13 772/23 791/16 772/12 779/19 780/11 780/16 786/5 794/23 794/15 799/14 anyway [9] 759/7 762/10 764/19 771/18 772/22 775/3 776/13 776/23 777/9 anywhere [1] 716/19 apart [2] 753/17 754/7 apartment [1] 733/19 apostilled [1] 765/12 apparently [1] 777/5 appear [4] 717/21 730/5 798/23 802/20 APPEARANCES [1] 701/1 appeared [4] 715/5 716/10 720/1 741/19 appearing [1] 714/10 appears [2] 713/22 717/17 applies [3] 702/23 706/24 756/10 |
|----------|---|---|--|--|

| | | | |
|----------|--|---|--|
| A | arguing [3] 762/2 764/15 768/16 argument [13] 727/5 727/7 730/14 738/17 747/2 751/21 753/7 763/16 787/13 787/15 788/2 793/6 795/23 arguments [4] 702/18 704/23 705/3 722/17 arise [1] 704/7 Armed [1] 725/18 arms [2] 754/19 754/19 around [11] 724/11 751/19 753/6 753/8 759/10 765/1 770/19 778/6 781/4 783/23 794/19 arrive [1] 792/19 arrogant [1] 739/13 Article [1] 758/6 articulated [1] 745/18 artifice [4] 714/12 715/6 716/11 718/5 artificially [1] 762/22 artist [1] 743/17 as [136] Asgaard [1] 767/22 ask [10] 715/12 751/12 780/25 781/2 781/10 786/1 786/2 787/16 787/22 801/20 asked [5] 707/11 736/9 756/23 777/16 777/17 aspect [3] 753/1 754/6 786/3 assault [1] 770/18 assess [1] 728/9 assessments [1] 728/12 assignment [1] 717/16 assimilated [1] 764/11 assist [4] 723/23 790/21 798/21 799/1 ASSISTANT [1] 701/8 associate [1] 803/9 associated [2] 802/19 805/5 Associates [1] 766/13 associating [1] 709/12 assume [1] 774/18 at [84] 703/8 705/3 705/10 707/10 708/3 708/8 708/10 708/24 709/21 710/6 710/15 710/24 711/19 715/14 720/9 725/24 726/3 726/8 726/13 729/20 | 729/25 731/1 731/8 734/9 735/3 736/7 736/10 737/9 738/7 739/3 739/3 740/12 740/14 741/9 742/4 744/15 748/18 750/12 750/20 751/10 754/2 754/4 754/23 755/11 757/12 757/18 758/16 758/24 761/22 762/3 762/19 762/24 765/11 765/20 767/16 767/22 769/6 771/16 772/6 772/23 774/23 778/24 781/5 785/18 786/19 786/23 792/16 794/2 797/12 797/18 798/16 802/16 803/12 803/23 back-and-forth [1] 738/1 background [2] 748/12 749/24 bad [2] 736/20 783/14 badge [1] 759/16 bailiff [5] 791/5 791/8 791/21 791/24 802/17 balance [1] 725/25 bandaged [1] 754/18 bang [1] 759/18 bank [39] 724/25 725/13 726/3 728/21 728/24 729/4 729/15 734/3 734/25 735/9 738/19 741/24 758/14 758/15 768/12 774/11 774/11 774/13 774/13 775/7 778/3 778/7 778/16 779/13 779/13 779/19 779/20 779/24 780/9 780/9 780/17 780/23 781/25 782/19 782/19 782/20 782/22 782/24 784/24 banker [1] 761/3 banking [4] 738/6 758/21 776/24 776/25 bankrupt [1] 784/10 bankruptcy [2] 741/5 784/12 banks [21] 727/15 734/3 741/7 749/18 750/20 750/25 752/8 758/20 759/1 761/5 761/12 766/5 774/6 775/5 777/21 779/5 779/9 780/16 782/9 782/9 784/12 Barbara [12] 733/21 742/23 743/22 761/18 761/19 761/20 761/22 761/25 784/18 784/22 789/19 801/3 Barclay [1] 802/6 Barclays [1] 778/8 baseball [2] 752/16 766/4 based [11] 704/5 704/6 720/23 722/5 | 732/8 764/7 769/4 774/15 774/25 778/21 793/5 basement [1] 740/12 basis [2] 735/12 735/14 batch [2] 724/11 730/23 bear [3] 706/7 718/4 720/2 Beard [1] 758/8 bearing [1] 707/7 bears [1] 717/18 beast [1] 758/1 beat [1] 748/17 beaten [2] 750/1 750/2 became [4] 708/7 749/4 749/25 771/12 because [85] 707/9 723/16 723/16 723/18 725/8 726/20 726/22 727/6 730/15 738/5 738/25 742/3 742/18 742/18 745/9 746/4 747/25 748/2 748/19 749/10 751/6 751/12 751/25 752/12 753/19 753/24 753/24 754/10 755/4 755/6 755/7 755/11 756/22 758/14 758/23 759/23 760/9 760/15 766/20 767/12 767/23 768/3 768/22 769/19 770/7 770/14 770/20 770/21 770/25 771/18 771/21 771/25 772/11 772/16 772/20 773/1 773/7 773/16 774/11 774/13 774/25 775/17 776/19 776/23 777/19 778/13 778/19 778/20 779/2 781/22 781/24 782/7 782/14 783/4 784/7 784/15 786/21 787/12 790/14 792/10 792/12 793/17 793/24 794/25 797/25 become [5] 709/11 709/12 710/7 748/15 792/15 becomes [5] 709/2 763/21 767/18 791/7 792/13 bed [3] 753/20 754/10 754/13 befriended [1] 771/3 beg [2] 786/1 795/3 began [1] 743/15 begged [2] 761/11 763/9 begin [4] 702/17 |
|----------|--|---|--|

| | | | |
|----------|---|---|---|
| B | 745/4 746/18 791/1 801/16 bias [1] 706/3 bible [2] 783/9 786/7 big [13] 740/22 740/24 750/1 750/2 757/10 759/11 767/12 769/6 769/10 771/22 774/24 780/10 780/25 bigger [1] 729/14 biggest [3] 747/17 771/19 784/3 bill [2] 718/17 764/6 billion [1] 782/14 billions [3] 749/13 749/14 749/14 bit [2] 747/19 748/11 black [1] 744/11 Black's [3] 758/10 766/22 773/10 blanked [1] 753/13 blessing [1] 747/15 blood [2] 752/2 753/2 bloody [1] 754/11 Board [9] 734/8 734/13 761/9 763/24 764/4 764/6 764/9 764/13 764/20 body [1] 792/4 bogus [2] 718/2 731/8 boil [2] 748/4 784/15 boils [2] 784/16 788/22 bolster [1] 742/7 bolstered [1] 741/20 bond [55] 718/16 718/17 719/3 723/17 731/20 732/15 733/21 734/6 734/8 734/10 734/14 734/17 735/2 735/10 735/16 750/23 752/3 760/7 761/13 761/16 762/13 762/14 764/5 764/12 765/4 765/9 765/22 773/14 774/11 774/12 774/21 774/22 775/5 778/5 782/3 782/4 782/5 782/7 782/14 782/20 784/4 784/23 784/25 785/2 785/4 785/10 789/22 795/6 800/3 800/20 800/22 802/5 802/6 804/18 804/21 bondage [5] 752/3 752/4 752/8 752/8 752/9 bonds [45] 720/21 720/24 722/4 722/6 722/21 722/25 723/3 723/7 732/4 732/13 733/2 733/5 733/10 | bringing [2] 718/11 748/20 brings [1] 744/9 BRODY [11] 701/15 720/7 720/15 744/16 746/22 760/14 784/16 793/3 799/12 802/11 808/13 broke [1] 729/13 brokers [1] 714/7 brother [5] 727/18 756/3 756/4 761/8 775/22 brought [5] 737/25 751/5 756/8 778/25 788/1 bruised [1] 754/19 Buddha [1] 751/23 Buddhism [1] 751/21 buildings [1] 717/23 bunch [5] 758/4 768/11 769/1 769/16 781/21 burden [2] 703/19 745/17 burdens [1] 745/21 bus [1] 743/12 Bush [2] 756/10 756/10 business [2] 717/15 725/24 buy [7] 735/3 762/19 762/22 775/14 775/16 775/20 786/22 | C CALIFORNIA [23] 700/2 700/15 700/24 701/9 701/16 702/1 734/7 750/5 753/19 Brandon [31] 727/18 739/3 739/10 740/9 740/17 740/19 741/3 741/17 742/9 742/19 749/20 752/6 752/12 753/4 758/2 758/23 760/21 766/17 769/22 771/2 771/11 773/5 773/8 774/8 774/21 775/4 775/9 775/12 775/13 776/4 779/12 break [3] 724/9 766/23 784/11 breed [1] 747/16 brief [4] 719/12 721/12 786/24 794/3 briefest [1] 798/2 briefly [2] 724/9 793/5 brilliant [3] 740/7 743/6 743/7 bring [6] 736/23 737/15 737/16 737/19 737/24 748/19 |
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| | | | |
|----------|---|---|--|
| C | 728/6 728/7 740/24 761/21 change [4] 728/18 749/8 790/12 790/17 changes [1] 801/11 charge [14] 707/25 711/1 711/3 714/1 714/4 714/20 721/22 731/20 761/7 770/15 795/17 802/19 804/19 805/4 charged [19] 706/14 706/17 706/20 707/20 708/6 709/20 709/22 709/25 711/14 712/2 720/5 721/19 731/1 731/22 733/4 734/8 734/16 734/20 806/11 charges [10] 703/15 703/20 706/12 706/18 717/11 720/8 723/22 730/8 730/21 732/23 charging [1] 789/16 Charles [1] 747/7 Charts [2] 707/1 707/2 chase [2] 734/3 751/18 chat [1] 737/8 cheat [4] 708/14 718/10 732/17 772/23 check [23] 718/18 718/20 729/5 730/1 730/2 731/8 732/3 732/15 735/1 735/1 735/9 735/9 738/19 738/19 739/19 739/20 767/5 767/11 767/12 777/2 777/11 777/11 781/16 checked [2] 741/24 805/14 checks [2] 741/6 741/25 chelation [1] 749/11 chiropractics [1] 749/11 choose [2] 728/25 786/23 Christ [4] 752/3 752/5 753/2 786/2 Christianity [1] 756/2 chunk [1] 787/23 chupacabras [1] 766/15 Circuit [2] 771/22 804/5 circulates [1] 783/5 circulation [2] 717/1 782/2 circumstances [1] 743/14 circumstantial [4] | 705/11 705/14 705/16 705/19 CitiMortgage [1] 734/3 citizen [2] 777/18 777/19 citizens [5] 779/3 779/15 780/16 780/19 780/21 civil [3] 711/7 745/15 776/6 civilly [1] 776/11 claim [23] 711/8 711/9 711/13 712/11 712/14 712/15 712/17 712/25 713/4 713/6 713/7 724/15 731/11 731/12 731/15 732/12 732/15 756/9 756/16 756/21 756/23 765/9 772/12 claimant [3] 751/7 756/24 774/5 claimed [1] 724/13 claiming [3] 760/18 764/11 770/5 claims [9] 713/15 731/5 732/3 736/17 736/21 741/23 742/5 746/19 772/14 class [1] 717/21 cleaned [1] 768/12 clear [7] 729/8 730/15 732/16 732/20 740/18 743/21 795/24 clearly [1] 740/16 cleaver [1] 739/11 clerk [1] 761/16 clever [3] 718/6 740/5 740/8 client [3] 735/10 800/21 800/22 clients [5] 733/6 733/9 733/17 735/2 776/11 climb [1] 754/13 clinics [2] 749/1 783/10 close [4] 725/24 746/10 746/11 746/17 closely [3] 736/10 740/16 740/17 closing [4] 705/3 737/1 747/2 793/6 cloth [1] 747/23 clothes [1] 751/25 club [2] 750/3 794/23 co [4] 710/24 732/24 735/1 781/21 co-conspirator [1] 710/24 co-conspiring [1] 781/21 co-counsel [1] 732/24 | co-owned [1] 735/1 Coats [1] 754/24 code [20] 707/24 711/2 711/4 711/5 711/11 712/23 714/2 714/5 714/6 714/16 719/8 721/15 721/21 722/11 752/14 756/2 765/13 771/8 779/21 809/4 codes [3] 755/20 758/12 778/22 Coehello [1] 776/7 coins [1] 729/23 collapsed [1] 808/4 collateral [1] 741/7 colleague [1] 722/20 collect [1] 729/3 colored [1] 761/2 combination [1] 792/24 come [18] 727/15 746/10 746/11 746/17 748/17 753/6 753/8 753/13 759/18 771/18 780/5 786/3 786/19 786/23 790/13 791/21 792/12 798/25 comedy [1] 757/13 comes [5] 707/15 742/5 744/16 756/17 780/7 comic [1] 760/25 coming [3] 739/15 748/25 752/1 commas [1] 712/6 comment [3] 788/18 801/20 801/22 comments [2] 702/7 801/16 commerce [1] 716/19 commercial [5] 717/9 717/12 733/3 752/14 765/13 commit [4] 708/16 708/24 709/2 736/23 committed [4] 708/13 708/18 713/15 789/24 common [4] 708/22 753/16 755/24 760/9 commonsense [1] 704/6 communicate [3] 722/14 791/8 791/10 communications [1] 768/19 companies [2] 769/5 783/14 company [6] 755/5 767/22 768/4 768/5 776/20 782/25 complaint [1] 776/2 |
|----------|---|---|--|

| | | | | |
|----------|---|---|---|---|
| C | could [16] 705/15 712/4 728/22 729/2 732/18 737/16 737/19 764/1 771/25 784/4 784/12 792/14 797/17 801/19 802/25 803/13 couldn't [9] 725/6 725/15 737/24 747/25 753/22 756/20 775/18 776/20 807/23 counsel [11] 701/1 702/6 702/7 719/19 732/24 788/5 788/10 797/6 803/24 804/13 805/12 count [42] 706/18 706/21 706/22 706/23 706/25 706/25 707/20 713/25 714/2 715/16 715/17 715/17 716/1 720/5 720/9 720/13 731/8 731/18 731/19 731/21 756/19 793/14 794/3 795/17 795/21 795/21 795/25 805/19 805/20 805/20 805/20 805/21 805/21 805/21 805/22 805/22 805/25 805/25 805/25 806/1 806/1 806/1 count five [1] 805/25 count two [1] 805/20 counterfeiting [1] 762/25 counterfeits [1] 716/17 counts [32] 710/25 711/2 711/14 711/15 711/22 711/25 712/2 713/25 714/3 714/17 714/18 714/19 714/19 715/25 720/21 721/19 722/3 731/1 731/16 733/7 733/8 734/9 735/23 746/21 789/25 793/18 795/15 795/23 795/24 805/23 806/3 806/11 county [6] 748/20 764/24 765/11 765/11 781/20 781/21 couple [4] 748/1 770/2 779/23 781/10 coupon [16] 718/17 718/22 719/3 738/4 739/16 739/20 746/15 759/25 760/1 760/2 762/20 773/14 777/10 777/11 777/12 795/6 course [9] 715/24 717/15 722/22 739/21 741/20 741/21 743/15 | court [46] 700/1 702/19 705/9 707/12 712/8 715/21 719/18 721/11 723/18 731/6 746/9 746/25 747/21 748/22 751/7 751/12 751/13 753/15 755/23 756/12 756/15 756/15 756/16 760/9 760/10 766/6 771/23 771/25 772/1 772/2 772/11 778/10 778/10 778/16 781/23 782/9 782/11 782/13 790/6 790/24 791/12 793/16 794/11 798/25 805/10 806/8 court's [4] 702/8 793/5 795/3 808/1 Courthouse [2] 700/23 701/8 courtroom [3] 741/9 791/6 805/18 courts [1] 804/2 CPA [2] 776/3 776/3 CR [1] 700/8 CR-15-611-SVW [1] 700/8 crap [2] 756/13 781/21 crazy [2] 741/11 783/11 create [3] 777/22 778/20 782/8 created [2] 760/4 774/1 creates [1] 782/19 creating [1] 741/6 creation [1] 734/9 credible [1] 739/5 credit [12] 723/3 732/9 774/1 774/15 777/21 778/2 778/21 779/7 779/15 780/19 782/21 782/25 crediting [1] 718/20 credits [3] 779/14 780/18 782/1 crime [11] 706/17 706/20 708/16 708/18 709/1 712/24 714/25 716/4 723/24 731/3 790/23 crimes [7] 708/16 708/24 735/21 736/12 770/13 770/13 770/13 criminal [9] 703/21 708/15 727/19 729/9 739/14 739/14 744/10 759/22 777/4 crisis [1] 750/7 critical [1] 744/6 | criticism [1] 745/1 cross [1] 803/1 cross-outs [1] 803/1 crossed [1] 754/4 crow [1] 739/12 crush [1] 751/17 crushed [4] 750/25 750/25 751/1 775/7 crushing [1] 785/19 Cruz [2] 797/8 805/1 CSR [2] 700/23 809/13 culpability [5] 771/21 771/23 785/22 785/22 786/5 cult [1] 740/2 cult-like [1] 740/2 cure [1] 765/19 cures [1] 783/12 CUSIP [3] 779/16 780/20 782/11 | 727/9 732/25 735/4 745/10 748/1 765/21 766/2 de [2] 774/19 774/19 dead [1] 760/17 deal [4] 746/1 763/2 783/16 787/14 dealing [1] 758/1 deals [1] 763/2 Dean [1] 758/19 death [2] 786/11 786/13 debenture [2] 718/17 718/22 debit [1] 718/18 DEBORAH [2] 700/23 809/13 debt [10] 733/3 752/4 752/16 760/4 766/5 775/7 780/22 782/20 784/8 784/9 decade [1] 743/10 decades [1] 743/10 deceitful [2] 707/23 708/6 deceive [6] 708/14 712/22 718/6 718/10 732/17 732/20 December [1] 729/13 decide [12] 703/2 703/4 705/10 705/19 705/21 706/19 709/19 743/16 748/3 790/9 790/24 792/25 decided [3] 707/5 707/10 807/23 deciding [6] 704/16 704/22 705/20 713/12 770/2 790/25 decision [5] 707/7 736/8 786/25 790/14 790/17 DECKER [1] 701/6 declaratory [2] 772/12 772/15 declare [1] 716/24 deep [1] 771/7 default [7] 765/22 765/24 765/25 766/1 770/23 770/24 770/24 defend [1] 773/12 defendants [90] 700/11 702/5 702/8 703/14 703/15 703/16 703/17 704/10 704/11 706/15 706/16 706/18 707/20 707/25 708/4 708/7 711/12 712/10 713/5 713/13 716/3 718/8 718/14 720/22 721/1 721/19 721/22 721/24 721/25 722/5 |
|----------|---|---|---|---|

| | | | | |
|----------|--|---|---|--|
| D | denier [1] 755/17 denying [2] 727/10 727/11 department [5] 711/7 711/9 712/25 713/2 765/7 depend [2] 706/8 784/21 dependent [1] 710/20 deplete [1] 726/11 deposit [5] 718/17 728/23 760/3 761/6 773/15 deposited [5] 725/4 726/1 728/24 735/9 738/20 Depot [1] 762/24 deputy [1] 805/18 described [2] 717/11 744/3 describing [1] 798/10 description [2] 798/2 801/16 descriptions [2] 799/22 800/11 descriptive [2] 799/25 800/17 deserves [2] 706/10 707/4 desire [1] 771/7 desk [2] 761/16 761/17 desperate [2] 750/19 750/25 despite [3] 724/24 731/3 789/24 destroyed [3] 785/7 785/8 785/10 detail [1] 708/20 details [2] 709/6 710/8 deter [1] 734/23 determination [1] 807/22 determine [6] 706/11 713/13 720/23 721/1 722/5 722/8 determined [1] 730/3 determining [1] 713/15 Deutsch [1] 778/7 dharma [1] 750/11 dictionaries [3] 758/11 773/11 773/11 Dictionary [1] 766/22 did [56] 702/6 703/23 705/13 707/17 709/18 709/20 709/22 710/10 715/9 716/14 724/16 725/6 725/23 727/12 729/6 732/22 735/17 736/23 736/23 738/2 738/3 738/24 739/5 | 739/5 741/21 741/24 742/3 750/18 758/7 759/23 759/23 762/11 766/5 767/9 767/18 767/20 767/23 770/15 772/13 772/13 772/14 774/9 775/13 775/24 776/14 777/23 777/24 780/12 781/12 785/6 786/6 789/7 792/15 797/12 803/4 804/4 805/7 729/15 729/16 729/16 729/21 729/22 729/22 730/9 730/12 730/16 730/19 730/22 731/4 731/11 731/21 732/6 732/10 732/20 732/25 733/15 733/16 734/16 734/18 734/20 734/22 734/23 735/1 735/10 735/11 735/15 735/22 735/24 789/23 797/5 803/23 804/25 806/10 defendants' [3] 724/4 726/21 735/9 defense [6] 702/10 710/21 787/14 788/5 788/10 789/18 defined [5] 718/18 720/25 721/3 722/8 722/10 defines [1] 717/6 definition [2] 736/14 736/14 definitions [3] 718/25 758/11 766/23 defraud [15] 707/21 708/4 708/13 713/16 714/7 715/10 716/15 718/9 718/15 724/1 731/22 732/7 746/19 772/23 786/5 defrauded [1] 718/13 degrees [1] 750/5 deleted [2] 800/11 800/18 deliberate [3] 792/5 792/6 792/10 deliberations [7] 790/4 790/5 791/5 791/7 791/15 792/3 792/23 deliver [4] 722/13 722/16 786/20 786/24 delivered [2] 717/4 744/23 delivery [1] 717/16 Delphi [1] 766/13 demand [2] 778/11 778/16 denied [2] 779/22 793/7 | 775/6 777/12 780/22 782/18 782/20 800/3 discharged [2] 791/20 808/1 discuss [2] 721/8 790/6 discussed [3] 708/22 790/10 804/13 discussion [3] 790/13 793/9 794/13 disgusting [2] 772/24 772/24 dishonest [2] 707/23 708/6 dishonor [4] 765/24 765/25 766/1 770/24 dislikes [1] 703/6 dismissed [1] 756/21 dispute [1] 724/7 disputing [1] 757/20 disregard [1] 705/8 disregarded [5] 723/10 728/10 728/15 732/1 732/2 dissipation [1] 726/15 distinction [1] 705/18 distribution [1] 769/9 DISTRICT [3] 700/1 700/2 700/5 division [2] 700/3 759/23 do [75] 703/8 703/10 703/17 707/7 708/17 716/18 720/7 720/15 720/20 725/6 727/11 732/15 735/24 738/21 747/1 748/22 750/15 751/12 751/13 752/24 754/24 756/7 756/16 758/19 758/21 765/3 765/3 765/22 766/21 766/24 767/24 767/24 767/24 767/25 767/25 768/14 768/15 773/8 773/9 775/21 775/24 775/25 776/1 777/4 777/23 777/24 779/19 781/11 781/12 781/23 781/24 782/9 782/9 782/9 782/10 784/4 784/16 784/17 784/25 785/6 785/8 785/20 790/7 790/9 790/12 790/13 790/16 790/17 794/20 797/19 798/9 798/17 799/13 802/3 806/14 document [16] 714/10 715/3 715/5 716/8 716/10 716/21 717/6 717/25 740/23 764/3 779/11 779/14 780/17 | 780/17 799/12 803/17 documents [10] 716/18 716/19 718/4 737/14 741/18 744/1 776/9 798/10 798/11 798/13 does [17] 706/8 708/17 709/5 709/10 709/11 709/15 713/10 717/1 743/6 776/12 781/23 784/15 788/24 792/12 793/10 801/22 802/20 doesn't [17] 711/20 738/9 738/11 738/24 739/24 743/18 755/25 760/24 763/5 773/18 760/24 766/12 776/24 766/24 769/25 770/10 769/6 769/25 770/10 770/15 772/8 780/6 784/13 785/20 788/13 789/1 dog [1] 761/15 dogs [1] 755/5 doing [23] 723/5 723/11 723/14 727/23 739/13 742/8 748/5 753/6 758/12 763/3 766/21 766/22 768/24 769/6 769/25 770/10 770/15 772/8 780/6 784/13 785/20 788/13 789/1 dollar [1] 774/13 dollars [10] 732/18 733/6 739/18 742/1 749/14 760/18 769/4 769/8 781/18 782/6 770/12 770/7 772/4 772/17 772/17 772/17 772/18 773/15 773/18 773/20 776/8 776/9 776/17 777/13 779/25 781/19 782/15 783/20 784/14 784/14 784/19 785/5 785/14 787/1 792/10 794/6 794/24 798/3 798/4 799/14 800/7 803/5 806/5 done [18] 703/12 709/16 713/9 719/9 720/1 721/16 721/20 721/25 722/12 732/25 769/21 773/4 775/3 777/13 779/23 779/24 785/18 801/21 door [4] 750/20 754/9 754/12 759/18 |
|----------|--|---|---|--|

| | | | | | |
|----------|--|---|--|---|---|
| D | 773/10 doorstep [1] 768/12 dot [3] 775/14 775/16 775/19 doubt [28] 703/17 703/20 704/2 704/5 704/5 704/5 704/10 704/13 708/2 710/14 712/13 715/1 716/5 718/8 721/24 722/24 723/2 723/22 732/24 735/20 736/19 736/21 744/7 744/13 744/14 745/5 746/18 791/1 draft [1] 718/18 drag [1] 748/18 dragged [2] 754/19 754/22 drama [1] 750/6 draw [2] 703/22 733/16 drawing [1] 741/7 drives [2] 737/3 737/4 dropper [1] 747/24 Drug [1] 748/17 ducking [1] 759/22 due [1] 751/15 dull [1] 766/20 duplicated [1] 762/21 during [6] 707/11 707/13 778/24 790/19 791/7 799/24 duties [1] 717/6 dutiful [1] 744/4 duty [5] 702/23 702/25 703/2 704/11 704/14 dying [1] 749/1 | enumerated [1] 731/24 environment [1] 772/6 equipment [2] 775/14 775/21 equity [1] 777/25 erroneous [12] 726/23 726/25 728/23 729/3 764/8 764/10 768/9 768/10 768/10 768/22 777/8 777/9 error [7] 715/15 715/22 764/23 767/3 768/21 768/21 804/9 especially [2] 718/6 772/6 Essentially [1] 745/18 established [1] 718/14 establishing [2] 746/10 746/12 establishment [2] 749/3 749/8 evaluate [1] 703/1 even [30] 709/5 709/23 710/1 710/9 713/6 713/17 718/2 726/16 728/6 729/16 729/18 733/22 740/7 745/10 745/15 746/17 emails [1] 761/23 end [8] 726/3 726/13 737/5 738/2 758/16 758/24 761/22 776/18 ending [4] 725/5 725/7 725/19 725/20 endorsement [1] 717/16 ends [2] 785/15 785/15 enforce [1] 779/10 enjoy [1] 753/8 enlightenment [3] 750/13 771/13 785/13 enough [3] 708/21 717/19 796/3 entailments [1] 717/7 entered [2] 767/14 782/2 entertainment [1] 738/23 entire [7] 710/21 748/13 783/6 783/7 783/25 800/13 801/13 entirely [1] 703/13 entities [1] 749/16 entitled [5] 731/12 742/10 787/20 797/22 809/6 entity [2] 717/24 734/25 | 773/8 773/8 776/14 779/2 evidence [80] 702/23 703/1 703/5 703/14 703/18 704/8 704/8 704/9 704/13 704/16 704/18 704/20 704/21 704/24 705/1 705/4 705/5 705/8 705/9 705/10 705/11 705/12 705/14 705/14 705/17 705/19 705/20 706/4 706/6 706/7 707/1 707/15 707/15 707/18 713/11 713/12 713/19 719/1 723/4 723/21 723/23 727/1 730/12 730/16 732/16 732/19 734/11 736/6 736/7 738/14 738/14 739/1 741/16 742/7 742/14 745/16 746/2 757/24 762/3 762/4 763/17 764/1 765/5 765/8 767/15 768/17 772/25 775/10 775/12 790/10 790/18 792/22 797/11 798/12 798/12 798/12 804/8 804/10 804/21 804/23 evidences [1] 717/13 evident [2] 764/15 804/3 evil [1] 786/12 exact [3] 733/9 744/18 744/23 exactions [1] 758/5 exactly [4] 739/24 743/9 785/17 785/17 examined [2] 702/15 795/16 examiner [1] 730/2 example [8] 741/15 753/17 777/24 795/5 798/22 800/19 801/3 802/4 except [6] 725/2 757/15 791/10 793/17 799/15 804/4 exception [3] 761/8 764/4 800/15 excess [1] 739/19 exchange [3] 716/23 717/2 738/8 exciting [1] 745/12 excluded [1] 705/7 excuse [1] 792/16 excused [1] 792/17 excuses [1] 761/13 exhibit [22] 731/1 731/9 734/11 734/24 769/25 770/10 771/10 | 798/2 798/4 798/22 799/23 800/5 802/19 803/25 804/2 804/6 804/7 804/11 804/14 804/22 805/5 805/7 exhibits [15] 704/18 704/19 707/17 722/23 731/16 792/21 794/9 797/11 797/15 798/24 799/4 802/21 804/7 804/8 804/10 exist [3] 709/22 716/19 760/15 existed [3] 708/19 709/20 709/24 existence [1] 778/1 existing [3] 709/7 716/18 769/16 exists [1] 709/14 expenses [1] 769/8 experience [1] 808/8 expert [4] 737/6 737/25 752/20 773/23 expertise [1] 743/6 experts [1] 739/8 explain [1] 733/13 explained [2] 742/24 787/25 explanation [1] 728/25 explicitly [1] 729/8 exposed [1] 743/14 extra [2] 767/10 788/4 eye [1] 747/24 | |
| E | e-file [1] 800/21 each [25] 706/18 706/19 706/19 706/23 706/23 708/1 710/13 712/12 714/25 716/4 729/7 732/11 733/4 734/9 735/17 749/19 759/2 787/1 790/8 790/16 793/12 793/18 794/3 795/17 806/12 earlier [1] 726/1 Earth [1] 734/25 earthly [1] 748/10 Easter [2] 751/25 751/25 easy [2] 725/9 728/25 eat [1] 786/22 economics [1] 740/3 economy [1] 782/2 edit [1] 799/12 Edition [2] 773/10 | 785/15 ends [2] 785/15 785/15 enforce [1] 779/10 enjoy [1] 753/8 enlightenment [3] 750/13 771/13 785/13 enough [3] 708/21 717/19 796/3 entailments [1] 717/7 entered [2] 767/14 782/2 entertainment [1] 738/23 entire [7] 710/21 748/13 783/6 783/7 783/25 800/13 801/13 entirely [1] 703/13 entities [1] 749/16 entitled [5] 731/12 742/10 787/20 797/22 809/6 entity [2] 717/24 734/25 | 750/6 776/22 ever [7] 737/17 737/17 746/19 754/13 778/6 791/10 803/24 Everson [4] 727/13 727/13 727/15 741/17 every [13] 703/19 708/20 732/13 735/17 743/22 744/14 748/8 749/13 757/19 757/24 759/4 766/14 785/1 everybody [8] 751/18 752/21 757/15 760/10 760/22 761/4 783/11 784/20 everyone [3] 723/14 782/17 785/14 everything [19] 705/22 740/5 747/22 750/15 750/22 751/23 755/18 757/25 758/11 766/24 769/10 769/21 769/25 770/10 771/10 | 750/6 776/22 ever [7] 737/17 737/17 746/19 754/13 778/6 791/10 803/24 Everson [4] 727/13 727/13 727/15 741/17 every [13] 703/19 708/20 732/13 735/17 743/22 744/14 748/8 749/13 757/19 757/24 759/4 766/14 785/1 everybody [8] 751/18 752/21 757/15 760/10 760/22 761/4 783/11 784/20 everyone [3] 723/14 782/17 785/14 everything [19] 705/22 740/5 747/22 750/15 750/22 751/23 755/18 757/25 758/11 766/24 769/10 769/21 769/25 770/10 771/10 | 750/6 776/22 faceless [1] 772/19 facie [1] 713/19 facing [2] 747/5 772/22 fact [18] 703/23 705/12 705/16 705/17 706/8 713/18 713/21 718/13 727/6 734/4 734/24 745/20 746/14 755/19 772/24 776/21 782/10 788/6 factors [1] 706/6 facts [12] 703/2 703/3 704/17 704/22 705/5 705/15 705/20 744/21 762/3 763/17 764/15 768/16 faith [9] 702/12 713/14 732/9 735/12 735/14 736/20 769/21 769/24 787/21 fake [16] 723/3 723/25 |

| | | | | |
|----------|---|--|---|--|
| F | <p>fake... [14] 724/16 729/17 729/17 729/25 732/3 732/4 733/1 735/6 735/7 735/7 735/7 749/3 766/8 774/4 falls [1] 753/16 false [38] 711/10 711/13 712/11 712/16 712/17 712/18 712/24 713/6 714/9 714/22 715/3 716/7 719/6 720/24 720/25 722/6 722/7 722/21 722/21 722/25 722/25 723/6 723/7 723/7 724/2 724/4 724/8 725/2 731/4 731/5 731/15 733/5 736/22 738/3 738/5 746/19 797/22 799/16 falsity [1] 738/16 family [6] 717/18 718/4 741/17 750/21 751/18 783/7 far [3] 748/12 759/25 760/2 fate [1] 770/2 father [4] 776/3 776/3 776/4 776/6 fault [6] 765/18 768/9 768/9 770/24 777/8 789/5 FDA [1] 748/22 fear [1] 786/12 federal [20] 712/24 724/23 729/9 744/11 751/4 752/17 752/20 773/24 774/12 774/14 774/14 777/18 777/19 779/4 779/14 780/10 780/15 780/18 782/5 782/23 Federation [1] 749/5 feed [1] 771/17 feeding [1] 747/24 feel [1] 739/6 fellow [3] 790/6 790/11 790/22 felony [1] 744/11 felt [3] 739/7 753/3 753/25 few [7] 722/19 732/24 735/4 735/11 787/6 794/11 802/12 fiction [2] 774/4 774/4 fictitious [20] 711/10 712/16 712/17 712/18 712/25 714/10 714/23 715/3 716/8 716/16</p> | <p>firm [1] 745/18 firmly [1] 704/3 first [31] 700/24 708/2 712/13 715/1 716/5 Fifth [2] 755/10 755/14 fighting [5] 749/12 749/13 758/12 758/13 783/8 Figueroa [1] 701/15 figured [1] 739/11 file [13] 728/8 733/19 733/19 734/10 734/11 753/22 759/5 793/1 800/3 800/21 802/5 806/5 806/6 filed [15] 722/25 724/11 724/12 724/14 728/5 729/13 729/21 729/25 730/24 755/19 767/6 788/19 789/7 789/8 795/11 files [2] 737/6 755/3 filings [11] 728/7 728/9 728/12 728/14 741/17 751/10 754/14 758/22 765/13 776/8 776/12 fill [2] 755/14 759/15 filled [2] 769/19 773/23 film [7] 757/10 757/13 767/21 768/4 768/5 769/5 776/20 final [1] 722/17 finalized [1] 794/8 Finally [1] 765/23 finance [2] 738/6 740/2 financial [18] 714/12 714/23 715/7 716/12 717/19 717/20 718/5 718/11 718/11 730/6 733/14 769/5 773/23 782/12 782/12 782/24 797/23 799/16 find [25] 703/3 704/11 704/14 705/15 708/13 708/23 709/21 709/23 709/24 709/25 710/1 713/21 720/24 722/7 725/15 734/12 735/1 735/22 743/2 743/2 768/11 778/17 783/24 784/14 785/14 finding [1] 713/24 fine [3] 738/23 755/18 765/1 fined [1] 728/5 fines [1] 788/22 finished [1] 787/3 FIRE [3] 727/13 727/14 775/23</p> | <p>forth [5] 722/15 738/1 740/4 775/1 778/25 forward [3] 791/21 792/4 800/17 fought [1] 748/23 found [18] 707/25 711/13 712/11 713/5 714/24 716/4 731/1 733/18 734/10 734/11 739/10 739/13 750/16 767/3 768/7 799/24 800/7 800/16 four [12] 711/2 711/15 711/22 714/18 714/19 714/24 716/4 731/1 733/18 734/10 734/11 739/10 739/13 750/16 767/3 768/7 799/24 800/7 800/16 four-and-a-half-million [1] 769/4 Fourth [2] 755/1 755/9 fractional [1] 758/21 fractionalization [1] 741/6 fractionalize [2] 774/12 774/20 fractionalized [1] 774/22 fractionalizes [1] 758/15 Franchise [9] 734/7 734/12 761/9 763/24 764/4 764/6 764/9 764/12 764/20 Frank [1] 748/18 Frankly [1] 807/23 fraud [8] 730/2 736/23 738/15 738/15 765/8 776/12 789/24 789/24 fraudulent [8] 711/10 712/16 712/17 712/20 712/25 718/8 724/3 735/5 free [1] 758/25 freedom [2] 744/13 783/8 freedoms [1] 753/9 Fresno [1] 769/13 Friday [1] 752/1 friend [6] 756/3 757/1 760/13 763/22 770/7 779/24 frivolous [7] 728/4 728/9 728/12 728/14 751/10 768/10 789/21 front [6] 752/21</p> | <p>752/22 754/22 756/6 756/14 798/24 FTB [4] 734/14 734/17 789/15 789/21 full [5] 709/5 710/8 732/9 791/22 792/6 fully [2] 741/23 790/10 functions [2] 707/22 708/5 fund [2] 738/9 738/10 funds [8] 718/19 730/20 776/19 779/5 780/15 782/12 782/13 788/3 funny [5] 757/14 757/16 766/16 773/19 774/19 further [2] 709/4 713/3 Furthermore [2] 709/6 713/5 furtherns [1] 709/10 fuss [1] 780/11 future [1] 782/1</p> |
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| | | | | |
|----------|--|--|---|---|
| G | 708/1 709/17 710/13 712/3 712/12 712/22 713/6 714/14 714/25 716/4 717/23 718/7 721/23 722/18 730/25 731/6 732/23 733/4 734/8 734/16 734/20 735/19 736/19 736/20 736/25 737/12 738/12 742/14 744/9 744/14 745/9 746/10 746/17 747/6 749/13 751/1 751/9 752/19 753/20 755/16 756/20 757/3 757/20 758/5 771/19 772/16 775/25 776/1 780/24 780/25 781/14 781/25 782/18 783/3 783/19 784/9 784/10 785/17 786/18 786/20 788/2 790/25 793/13 793/15 797/11 804/12 grab [1] 729/20 grabbed [1] 754/18 graduated [1] 750/5 great [3] 737/11 737/12 737/21 group [1] 740/2 guarantees [1] 761/20 guess [3] 740/22 770/8 786/22 guide [3] 720/3 786/2 796/4 guilt [3] 704/4 723/21 791/18 guilty [51] 703/14 703/16 704/3 704/11 704/11 704/14 704/15 706/12 706/12 707/8 707/8 707/25 709/23 710/1 711/10 711/13 712/11 713/5 714/15 714/24 716/4 721/22 735/22 746/20 746/20 770/12 784/14 785/15 789/25 790/8 790/8 795/14 795/15 805/20 805/20 805/20 805/21 805/21 805/21 805/22 805/22 805/22 805/22 805/24 805/25 805/25 805/25 806/1 806/1 806/2 806/10 gun [3] 748/18 754/14 759/20 guns [1] 754/9 gurus [3] 740/2 761/5 766/19 guts [1] 748/7 guy [7] 727/18 740/7 751/23 772/13 776/16 776/16 778/15 | guys [6] 751/22 754/9 764/1 766/18 766/20 774/3 H had [83] 710/16 710/18 713/14 721/25 722/16 723/18 726/1 726/15 727/10 727/19 727/22 728/11 728/13 728/19 728/24 732/17 732/20 734/2 735/12 737/5 737/25 739/4 739/7 742/3 743/21 747/15 747/16 747/18 747/25 748/16 748/22 748/25 750/7 750/20 750/20 750/23 751/21 752/10 752/11 753/22 753/24 754/10 754/10 753/24 754/10 754/10 754/11 754/13 754/18 759/20 761/4 761/16 762/11 766/10 766/12 766/16 767/13 767/20 768/13 769/18 771/6 771/6 771/7 773/8 773/9 775/14 775/14 775/16 775/17 775/19 775/20 775/20 777/7 778/10 786/4 786/4 786/5 787/21 788/8 788/12 789/20 793/3 795/11 795/16 803/1 804/1 half [1] 769/4 Hall [4] 740/10 742/20 760/1 771/3 hallmarks [2] 717/20 717/21 Halloween [1] 726/21 hand [5] 704/12 709/8 751/2 760/25 805/17 handed [2] 781/17 802/17 handwriting [1] 740/18 hanging [3] 756/11 756/19 761/25 happen [2] 754/13 778/10 happened [3] 726/8 759/11 787/22 happening [5] 748/10 753/11 755/21 757/12 759/9 happens [2] 709/9 795/1 happy [3] 763/6 770/7 799/11 hard [4] 737/3 737/4 762/13 797/14 harm [5] 750/14 770/4 | 770/18 772/23 781/13 harmed [13] 751/8 756/1 756/6 756/18 757/1 760/18 770/16 772/14 774/3 774/5 774/5 781/13 781/15 harming [1] 771/14 harp [1] 753/17 has [47] 703/19 703/21 703/24 707/5 707/6 707/7 707/9 707/11 709/8 710/11 713/7 723/18 730/7 730/11 732/23 733/4 734/8 734/16 734/20 735/19 736/19 736/20 738/6 744/14 745/18 746/9 746/10 751/7 753/13 753/14 755/4 774/18 776/1 778/24 782/11 783/6 785/19 786/18 786/20 787/19 790/25 791/2 792/3 794/2 795/22 796/3 803/24 hasn't [4] 738/12 746/17 751/5 751/6 have [131] haven't [5] 746/11 756/8 773/16 785/24 794/1 having [3] 748/15 790/16 802/20 he'd [1] 728/5 he'll [1] 805/1 heads [1] 806/13 Heal [2] 749/6 783/9 health [2] 749/5 783/8 hear [11] 706/1 707/10 720/20 722/18 742/14 746/23 754/15 761/13 766/5 771/4 786/23 heard [19] 702/22 705/8 705/13 719/2 723/21 724/25 725/1 729/3 731/2 733/12 733/21 734/1 734/10 735/4 740/1 741/22 787/10 795/22 797/17 hearsay [1] 763/25 heart [4] 750/15 784/5 785/21 785/21 hearts [3] 748/7 784/5 786/2 Heaven [1] 734/25 held [11] 702/3 711/19 715/14 719/15 793/2 794/13 797/3 803/22 804/6 808/9 809/6 hell [2] 747/20 763/3 helmets [1] 754/9 | help [11] 705/4 708/9 723/23 748/1 748/25 749/2 750/15 771/12 783/7 784/8 789/7 helped [1] 708/23 helpful [1] 793/24 helping [4] 775/5 775/6 775/8 779/10 here [67] 706/11 712/3 718/21 719/22 719/22 722/20 723/22 731/21 735/11 737/11 737/20 742/23 743/4 743/11 746/13 746/15 746/17 747/9 747/14 747/25 748/9 750/4 751/4 751/9 752/19 753/11 753/15 756/10 756/14 756/17 756/19 757/2 758/23 759/9 759/10 759/18 759/24 760/6 760/11 760/11 763/23 763/23 763/23 767/21 767/21 767/21 771/18 772/18 772/18 772/21 773/21 773/21 773/24 773/24 773/24 777/1 777/1 777/1 777/2 777/2 777/2 777/3 777/3 777/3 777/4 777/4 777/4 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| H | huge [2] 736/11 757/17 HUGHES [2] 701/7 760/14 human [4] 756/20 760/10 760/11 779/8 hundreds [8] 740/11 740/13 741/2 741/17 741/18 760/19 769/8 773/6 hurt [2] 781/9 781/24 hurting [1] 770/19 husband [1] 768/1 I I'd [5] 734/5 744/25 745/3 763/6 788/17 I'll [13] 702/17 722/15 739/13 760/6 784/23 786/24 791/13 794/8 798/18 799/10 802/13 803/12 805/6 I'm [61] 702/6 715/11 715/23 718/25 719/12 719/21 720/4 720/10 720/13 720/19 723/22 737/21 743/11 743/17 746/13 746/14 746/16 747/5 747/13 747/14 748/7 753/6 755/16 756/7 757/10 758/3 758/3 758/7 760/10 761/20 761/23 762/6 763/13 763/14 764/14 764/14 769/12 770/19 771/13 771/13 771/23 772/1 772/2 775/11 776/13 776/16 776/16 776/16 776/16 777/13 778/25 784/19 784/19 786/18 795/4 797/16 799/20 801/16 803/15 804/13 808/3 I've [15] 705/7 731/23 755/22 756/6 756/23 757/11 757/11 761/20 766/3 778/10 779/23 779/24 780/5 794/24 803/25 I.D [1] 780/1 ICC [1] 738/10 idea [5] 718/6 724/15 740/25 752/10 788/23 identification [1] 725/14 identified [3] 715/4 716/8 793/13 identify [1] 793/18 identifying [1] 795/5 identities [1] 710/9 IDRS [1] 725/15 if [112] | ignorance [1] 713/10 ignore [1] 703/10 illegal [12] 716/21 723/12 723/13 727/23 743/1 766/8 768/10 777/3 777/5 777/5 777/8 778/23 illegitimate [1] 735/6 illusion [1] 782/23 imaginary [4] 756/25 763/22 770/7 776/2 imagine [1] 743/12 immediately [1] 788/7 impartial [3] 704/7 704/9 704/12 important [5] 703/10 706/9 737/19 745/8 790/15 importantly [1] 740/15 imprisonment [1] 729/10 improper [2] 763/16 798/11 in [343] incapable [1] 771/14 incapacitated [1] 792/13 inchoate [1] 770/14 inclined [1] 798/3 include [4] 710/5 717/21 718/2 728/21 including [2] 791/16 791/18 income [8] 724/3 724/23 724/23 725/4 729/17 731/3 735/7 789/9 incredibly [1] 745/8 indemnity [1] 800/3 India [2] 750/8 750/8 indicating [1] 805/15 indicia [1] 717/20 indictment [32] 703/13 706/12 706/14 707/21 708/7 708/25 709/20 710/25 711/3 711/15 714/1 714/3 714/17 714/20 715/4 715/25 716/2 716/9 720/8 721/20 735/22 753/12 753/14 753/14 754/2 759/8 770/21 793/14 793/15 793/24 795/11 795/19 indirect [1] 705/14 individual [1] 710/23 individual's [1] 713/18 individuals [1] 753/25 indulgence [1] 795/4 infer [1] 713/21 | inference [2] 703/22 713/23 influenced [2] 703/5 790/22 information [10] 729/2 733/23 755/12 763/7 764/7 764/11 774/9 798/23 798/25 802/22 informations [1] 727/17 informative [1] 808/8 Ingebretson [2] 807/3 807/4 initial [3] 726/6 726/13 726/17 injunction [1] 776/6 injury [1] 768/23 innocence [1] 703/18 innocent [1] 703/15 institution [1] 782/25 instruct [4] 702/6 702/15 702/23 722/3 instructed [5] 705/7 713/1 713/3 723/19 743/24 instruction [20] 702/9 702/9 702/10 702/16 706/24 712/9 715/16 715/23 719/16 719/20 719/25 720/2 720/4 instructive [1] 800/22 instrument [22] 714/10 714/12 714/23 715/3 715/5 715/7 716/8 716/9 716/12 717/5 717/9 718/18 719/7 730/6 736/14 765/10 765/19 778/11 778/14 778/17 797/23 799/16 instruments [8] 716/17 717/19 719/2 721/2 722/10 733/15 738/16 789/16 insult [1] 768/23 integrity [1] 733/24 intend [1] 720/3 intended [4] 705/4 716/20 718/6 745/1 |
|----------|---|--|---|

| | | | |
|----------|--|---|---|
| I | 765/5 767/16 767/16 768/9 768/13 770/24 771/14 771/14 771/21 771/22 772/24 772/24 772/24 773/6 774/14 775/1 775/1 776/18 777/5 777/5 777/20 777/20 777/21 778/23 779/8 779/9 779/20 780/7 780/9 780/10 781/7 782/11 783/4 784/5 784/7 784/21 785/22 785/23 785/23 786/17 787/25 789/13 792/9 794/23 797/14 798/10 798/11 798/11 798/12 801/25 802/21 803/10 804/3 805/8 805/20 item [3] 714/10 718/21 800/19 items [7] 715/4 715/5 716/8 716/10 718/21 792/17 792/18 its [7] 708/8 709/21 715/23 715/24 734/9 790/25 805/1 itself [6] 709/15 717/14 754/2 762/14 764/11 800/22 IV [2] 700/18 700/18 | Judeo [1] 756/2 judge [12] 700/5 719/23 743/24 751/7 753/7 766/7 772/12 777/16 777/17 778/25 781/22 801/23 judgment [2] 772/11 772/15 Judicial [1] 809/7 June [3] 731/13 808/12 809/10 junk [3] 734/23 761/2 776/17 juris [1] 778/12 jurisdiction [1] 759/17 juror [8] 790/5 791/4 792/13 802/23 802/24 803/2 803/5 803/10 jurors [9] 746/4 790/7 790/11 790/12 790/14 790/22 792/10 792/19 799/1 jury [72] 700/14 702/3 702/6 702/17 702/19 702/20 702/22 702/25 719/15 719/18 720/3 721/6 721/7 721/11 730/11 744/24 745/18 746/25 747/4 782/7 786/17 790/2 790/4 791/9 791/11 791/17 792/2 792/17 792/18 792/23 793/2 793/17 793/25 794/3 794/7 794/9 794/10 794/15 794/25 795/6 795/7 795/12 795/20 795/22 795/25 796/3 797/3 797/6 798/3 798/21 799/4 802/17 802/18 802/20 803/11 803/22 803/25 804/7 804/11 804/14 805/2 805/10 805/13 805/14 806/5 806/8 806/9 806/14 807/19 807/21 807/24 808/9 jury's [1] 798/16 just [102] 703/25 707/18 712/3 719/2 720/2 722/3 723/18 725/22 726/5 729/25 731/2 731/23 732/24 733/13 734/1 734/18 734/24 735/12 738/21 739/24 740/22 743/22 743/22 744/5 747/13 747/24 748/1 748/11 749/23 750/14 750/25 751/3 751/14 751/16 752/22 752/23 753/16 754/3 754/10 754/11 | kitten [2] 747/23 771/16 kittens [3] 747/18 747/19 781/11 knee [2] 754/17 754/18 knew [22] 710/16 712/16 723/5 723/5 723/13 723/15 734/22 735/19 736/21 736/22 737/18 738/5 742/2 742/2 746/18 748/7 748/24 748/24 752/21 761/24 776/14 779/25 know [73] 706/1 710/16 725/7 735/8 737/10 737/11 737/20 738/3 738/8 739/6 740/6 740/7 740/12 741/11 741/14 741/15 741/25 742/8 742/9 743/2 744/15 747/5 748/5 749/17 750/1 750/19 751/3 751/22 751/23 751/25 752/19 752/20 755/3 756/15 757/9 759/12 759/14 759/16 759/16 759/17 760/24 761/3 762/17 766/15 766/16 768/1 769/15 770/3 771/15 keep [9] 723/15 729/23 729/23 752/16 760/7 761/5 777/10 776/5 776/17 777/19 782/4 785/1 keeps [1] 778/16 Kennedy [1] 749/5 kept [6] 723/16 729/23 760/3 789/14 789/16 789/16 Kerr [17] 730/2 730/4 731/5 733/11 734/6 734/14 735/2 737/25 738/1 738/2 738/7 752/18 773/22 775/11 775/11 775/12 779/6 key [2] 752/6 752/6 kick [1] 754/12 kicked [2] 750/21 754/9 killed [1] 757/16 Killionaire [1] 757/14 kind [17] 708/14 737/13 738/22 739/9 739/10 740/4 746/11 747/6 748/2 748/12 755/10 757/14 758/21 766/20 773/12 776/2 797/24 kinds [4] 703/23 741/12 751/13 766/16 Kirsling [1] 733/17 |
| | | | L L.A [1] 765/11 lack [1] 704/8 ladies [14] 722/19 728/15 729/18 731/23 732/5 732/19 734/22 |

| | | | | |
|----------|--|--|---|---|
| L | least [10] 708/3 708/8 708/10 708/24 709/21 710/15 710/24 767/16 777/15 797/22 leave [3] 792/18 800/23 806/5 leaves [1] 704/2 lectern [3] 781/3 781/5 789/4 lecture [2] 739/3 741/1 lectures [5] 740/11 740/14 740/16 766/19 773/6 left [2] 726/4 761/25 legal [20] 717/6 718/1 723/9 723/14 735/18 737/22 744/6 751/11 765/5 765/6 772/6 777/1 777/15 777/17 778/23 779/1 779/11 780/16 781/19 781/20 legalized [3] 749/11 749/12 749/12 legally [4] 753/18 753/24 758/12 769/19 legitimacy [1] 730/5 legitimate [9] 733/14 737/10 738/4 741/21 742/10 757/21 789/8 789/15 789/21 less [2] 726/2 726/10 let [26] 745/14 748/11 752/10 753/7 757/2 757/9 759/7 760/8 760/20 761/19 764/4 766/19 770/11 775/9 777/23 779/19 784/10 792/8 793/19 794/5 797/16 799/9 799/20 802/10 803/11 807/19 let's [10] 723/24 723/25 724/8 726/7 736/24 753/10 766/9 800/10 801/14 802/23 Leticia [5] 802/22 803/3 803/6 803/8 805/16 letter [16] 727/4 727/10 728/3 728/6 734/12 734/15 734/18 734/21 737/7 763/5 764/21 765/6 770/11 770/22 770/23 770/25 letters [9] 718/20 734/18 763/10 763/11 769/12 772/18 772/18 788/20 789/6 level [1] 783/18 levied [1] 726/21 Lew [1] 774/18 liabilities [1] 717/7 | license [2] 747/18 754/1 lie [7] 753/14 753/15 753/15 753/16 754/2 754/3 754/3 lien [8] 751/2 751/3 751/6 764/24 764/25 781/18 781/19 781/22 liens [3] 751/4 751/10 781/18 life [9] 748/13 750/8 770/2 772/8 772/22 774/25 776/18 783/5 785/15 lifetimes [1] 747/5 light [5] 706/6 741/8 742/18 746/8 786/14 lightening [1] 783/22 lights [1] 740/12 like [57] 707/18 714/8 727/23 728/2 730/9 730/22 733/13 734/1 734/5 734/18 735/12 737/10 737/16 738/21 738/23 739/7 739/22 740/2 743/22 743/23 744/25 745/3 745/11 746/12 747/17 748/22 755/7 757/15 759/12 762/24 765/15 766/14 767/3 769/3 770/13 less [2] 726/2 726/10 let [26] 745/14 748/11 752/10 753/7 757/2 757/9 759/7 760/8 760/20 761/19 764/4 766/19 770/11 775/9 777/23 779/19 784/10 792/8 793/19 794/5 797/16 799/9 799/20 802/10 803/11 807/19 let's [10] 723/24 723/25 724/8 726/7 736/24 753/10 766/9 800/10 801/14 802/23 Leticia [5] 802/22 803/3 803/6 803/8 805/16 letter [16] 727/4 727/10 728/3 728/6 734/12 734/15 734/18 734/21 737/7 763/5 764/21 765/6 770/11 770/22 770/23 770/25 letters [9] 718/20 734/18 763/10 763/11 769/12 772/18 772/18 788/20 789/6 level [1] 783/18 levied [1] 726/21 Lew [1] 774/18 liabilities [1] 717/7 | 740/16 740/17 741/3 801/16 literally [1] 752/3 little [9] 737/12 747/23 748/11 761/8 771/16 775/15 775/15 775/16 799/9 Liu [1] 807/9 live [1] 785/13 lived [2] 750/9 778/19 lively [1] 738/1 lives [3] 744/12 747/14 772/6 living [1] 743/11 loan [1] 774/20 loaned [1] 780/23 locate [1] 804/4 locations [1] 710/9 lock [2] 732/10 749/19 lockstep [1] 724/16 logic [2] 739/23 743/13 long [6] 710/4 718/4 718/14 748/23 748/23 750/10 look [22] 726/7 736/9 736/10 738/7 751/10 754/2 754/4 755/11 768/15 769/6 770/1 776/12 784/23 785/18 787/22 794/2 794/5 798/6 799/20 800/5 800/10 801/17 Look,I [1] 784/18 looking [6] 754/23 778/18 783/23 783/23 798/23 799/20 loop [3] 774/19 774/19 774/19 likely [1] 745/16 likes [1] 703/6 liking [1] 799/13 limit [1] 800/2 limitation [1] 793/5 limitations [1] 759/9 limited [1] 717/22 line [3] 724/5 779/15 780/19 lined [1] 749/16 linked [2] 779/15 780/20 list [20] 729/15 753/10 797/9 797/10 797/15 797/25 798/4 798/9 798/22 799/8 799/14 800/13 801/13 803/25 804/2 804/6 804/7 804/12 804/14 805/7 listed [2] 725/8 729/4 listen [1] 737/10 listened [1] 790/11 listening [5] 740/16 | lunch [8] 786/18 786/19 786/20 786/22 792/3 792/24 794/17 794/18 Lutherans [2] 750/1 750/2 <hr/> M M16 [1] 754/12 machine [3] 729/22 740/25 754/9 made [24] 707/12 708/19 712/18 712/20 712/21 712/21 723/2 724/15 725/6 725/22 730/5 733/10 733/15 737/4 742/24 742/25 760/1 762/22 788/11 788/18 796/11 796/12 796/20 797/10 797/11 797/22 798/4 798/5 798/16 799/11 799/12 799/20 799/21 799/22 800/10 801/11 801/12 makes [8] 705/17 711/6 712/23 739/23 758/15 759/6 778/3 778/6 making [8] 702/21 711/13 712/11 712/19 713/6 733/5 734/16 734/20 man [4] 727/18 743/19 772/14 787/19 man's [2] 787/7 788/8 manager [3] 780/4 780/5 780/7 mangled [1] 761/8 manner [1] 706/2 Manson [1] 747/7 many [9] 710/5 728/15 748/14 749/19 801/2 803/1 804/2 804/3 804/3 |
|----------|--|--|---|---|

| | | | | |
|----------|---|---|--|---|
| M | 802/17 803/11 803/18 807/19 mean [20] 722/12 739/19 739/21 740/13 741/1 741/12 748/3 748/7 750/13 753/10 758/3 763/14 772/24 795/22 795/24 797/21 797/25 798/10 798/11 804/20 meaning [1] 713/3 means [12] 707/23 708/6 716/23 716/24 716/25 717/5 718/9 718/15 753/22 759/1 770/14 781/20 meant [1] 744/15 Meanwhile [1] 725/20 Media [1] 767/22 medical [2] 749/3 783/13 Meier [5] 743/4 743/23 750/17 766/8 789/19 MELISSA [56] 700/9 701/13 703/23 711/3 711/13 711/24 712/10 714/4 714/20 714/24 715/17 715/18 716/2 716/3 724/14 725/18 726/9 726/15 726/19 727/21 728/13 730/25 731/14 731/19 733/8 733/20 733/22 736/16 737/9 737/17 738/6 738/11 739/17 739/17 740/1 740/15 741/3 741/10 742/11 743/8 743/13 743/18 743/18 743/21 744/1 746/12 746/18 753/17 764/16 768/12 771/15 788/5 788/10 789/19 803/19 805/24 member [7] 709/2 709/25 710/2 710/7 777/21 790/4 791/9 members [12] 702/20 702/22 708/7 708/9 709/21 710/6 710/9 786/17 790/2 792/2 806/9 807/19 memory [5] 705/6 706/1 790/20 790/21 803/24 mention [1] 745/14 mercy [1] 786/2 mere [1] 726/1 merely [3] 709/12 709/13 717/3 message [2] 737/7 737/8 met [2] 708/21 743/11 | meticulous [1] 740/20 Mexico [2] 748/21 749/2 Microsoft [1] 800/3 midnight [1] 740/12 might [12] 710/19 718/3 738/21 742/8 761/21 770/18 783/14 783/15 784/6 794/25 798/21 800/11 milk [2] 747/24 771/17 million [14] 724/14 730/2 731/8 739/17 739/17 739/20 746/14 746/14 746/15 760/1 761/1 769/4 776/10 787/20 million-plus [1] 739/20 millions [8] 737/6 737/6 737/14 742/1 748/9 760/18 783/24 785/15 mind [10] 745/23 754/23 758/9 765/24 767/5 767/5 771/22 785/23 785/25 803/15 mind of [1] 758/9 minds [1] 786/3 minor [1] 710/22 minute [1] 744/5 minutes [5] 719/13 719/17 770/2 787/4 787/6 missing [1] 736/10 misstates [1] 726/25 mistake [2] 713/10 764/22 mistaken [2] 802/25 802/25 mistrail [1] 793/5 misunderstood [1] 795/13 misusing [1] 796/3 models [1] 717/24 mom [2] 761/1 783/8 moment [5] 736/24 790/3 794/5 795/10 802/8 moment's [1] 803/11 moments [2] 735/11 802/12 monastery [1] 750/10 monetary [3] 738/10 757/4 783/20 monetize [1] 782/8 money [55] 717/10 717/13 718/19 724/18 725/16 726/12 728/24 729/20 732/8 737/12 738/9 738/17 738/20 738/21 738/21 738/24 | 739/16 741/6 741/20 742/10 752/24 758/14 758/15 758/15 758/24 759/4 765/2 765/3 765/4 767/7 767/20 767/22 768/6 769/1 769/2 769/4 769/17 769/18 774/10 774/24 776/9 777/6 777/22 778/1 778/6 778/21 781/25 782/5 782/8 782/19 782/21 782/25 783/2 783/19 784/23 Monsanto [1] 783/15 month [1] 769/18 months [7] 726/10 737/5 765/2 767/21 768/11 778/18 794/11 Moore [1] 807/5 Morgan [7] 724/20 725/15 728/11 729/3 741/22 742/3 787/10 morning [3] 702/20 736/4 747/4 mortgage [9] 775/8 777/23 777/24 777/25 778/3 778/4 778/7 778/20 780/20 mortgages [2] 723/3 778/1 MORTON [116] Morton's [4] 725/4 741/21 743/18 768/13 Mortons [3] 733/10 737/23 739/5 Mortons' [1] 736/25 most [2] 745/12 799/2 mostly [1] 766/14 mother [1] 749/4 motion [3] 793/3 793/5 793/7 mountains [1] 749/17 move [5] 748/9 781/4 787/4 788/7 799/19 moved [4] 738/17 751/20 768/2 788/3 movie [4] 757/16 766/12 769/7 769/7 movies [1] 757/12 moving [1] 726/5 Mr [8] 737/25 740/8 746/22 759/14 760/14 760/14 797/12 807/9 Mr. [48] 707/17 711/21 719/21 720/7 720/15 728/6 728/8 730/4 731/5 733/11 734/6 734/14 735/2 738/1 738/1 738/2 738/18 738/22 739/9 739/16 743/17 744/16 746/24 747/1 752/18 770/9 | 773/22 775/11 775/11 775/12 779/6 784/16 788/11 788/18 792/7 793/3 794/14 794/21 797/8 799/12 802/11 805/1 806/22 806/24 807/13 807/15 808/3 808/13 Mr. and [1] 808/3 Mr. Brody [8] 720/7 720/15 744/16 784/16 793/3 799/12 802/11 808/13 Mr. Cooke [1] 806/22 Mr. Cruz [2] 797/8 805/1 Mr. Johnson [1] 806/24 Mr. Kerr [14] 730/4 731/5 733/11 734/6 734/14 735/2 738/1 738/2 752/18 773/22 775/11 775/11 775/12 779/6 Mr. Morton [17] 707/17 711/21 719/21 728/6 728/8 738/1 738/18 738/22 739/9 739/16 743/17 746/24 747/1 788/11 788/18 794/14 794/21 Mr. Napier [1] 807/15 Mr. Raza [1] 807/13 Mr. United [1] 770/9 Mr. Urman [1] 792/7 Mrs [3] 711/22 719/22 808/3 Mrs. [1] 808/4 Mrs. Morton [1] 808/4 Ms [6] 739/2 760/7 760/13 806/19 807/1 807/3 Ms. [11] 724/20 733/25 741/21 762/18 771/24 792/8 805/17 807/5 807/7 807/11 807/17 Ms. Benudiz [1] 807/7 Ms. Borja [1] 792/8 Ms. Lavender [1] 733/25 Ms. Makarewicz [2] 762/18 771/24 Ms. Moore [1] 807/5 Ms. Morgan [1] 724/20 Ms. Morton's [1] 741/21 Ms. Nguyen [1] 807/17 Ms. Niketen [1] 807/11 |
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| | | | | |
|----------|---|--|--|--|
| M | 766/12 766/13 Ms. Perez [1] 805/17 much [14] 705/19 706/10 733/23 737/8 742/1 760/2 764/23 774/7 774/10 774/10 775/2 783/19 786/15 805/8 multiplicity [1] 793/17 multitude [1] 793/17 murder [1] 754/11 Mutual [1] 725/5 mysterious [1] 757/15 mythical [3] 756/25 758/1 763/22 | 782/23 790/19 790/20 790/21 790/22 nothing [20] 736/24 737/8 737/13 737/22 744/1 751/8 765/21 766/21 768/14 774/25 776/15 777/1 777/22 778/21 782/8 782/19 785/20 785/24 793/18 804/9 notice [20] 749/16 762/1 764/25 765/18 765/21 765/24 765/25 765/25 767/2 770/8 770/21 770/23 770/23 770/24 770/24 772/1 774/16 775/22 789/14 789/15 noticed [3] 755/23 783/18 783/18 notices [8] 729/7 751/2 765/18 768/25 769/1 781/18 781/18 781/19 November [4] 708/11 729/13 730/23 731/10 nullities [1] 792/15 number [26] 706/8 725/14 727/16 727/20 740/22 742/13 742/13 742/15 742/16 751/16 755/23 759/16 759/25 761/15 767/12 779/16 779/17 779/19 780/1 780/2 780/12 780/20 780/21 788/9 788/9 795/24 numbering [1] 802/21 numbers [16] 717/22 722/23 723/6 724/15 729/14 732/21 757/9 757/10 757/19 757/20 757/21 769/7 769/10 774/16 780/11 782/11 nonexistence [1] 716/19 nonintent [1] 772/2 nonnegotiable [3] 716/22 765/10 802/5 nonsense [2] 741/8 741/9 Noon [1] 796/7 Nope [2] 756/21 772/14 normal [1] 745/15 North [1] 701/9 Norwegian [1] 747/17 not [180] notarized [2] 733/12 744/1 note [10] 717/8 718/15 774/12 774/14 791/8 794/15 794/25 797/6 802/18 805/13 noted [1] 804/25 notes [12] 740/18 740/18 740/19 740/20 741/2 752/18 782/5 | objecting [2] 763/16 764/2 objection [22] 721/4 727/6 727/24 747/8 747/12 757/5 762/6 762/9 763/12 768/16 787/9 787/11 787/24 788/14 789/10 794/6 797/14 797/19 799/3 800/14 801/14 804/25 objections [3] 702/7 704/23 707/12 objectively [2] 713/17 717/21 objects [2] 708/8 710/15 oblige [1] 730/20 obligated [1] 730/16 obligation [8] 716/23 716/24 717/2 717/3 717/4 717/17 730/8 730/17 obligations [5] 716/21 717/20 718/2 718/2 718/5 obscene [1] 772/25 observed [1] 807/21 obstructing [2] 707/22 708/5 obvious [2] 732/8 755/3 obviously [1] 741/9 occasions [2] 792/12 804/3 occurs [2] 752/3 752/4 off [13] 723/3 749/1 751/13 752/16 754/5 758/8 758/15 760/4 762/21 764/11 764/24 782/21 794/13 offense [8] 706/13 712/24 713/6 716/16 719/11 721/18 722/1 770/14 offer [5] 715/3 716/7 716/25 717/3 728/10 offered [2] 715/2 716/6 offering [3] 714/21 714/22 733/5 offers [1] 714/7 office [6] 701/15 725/10 755/2 755/4 762/24 769/14 offices [2] 769/13 769/16 official [3] 717/22 717/24 762/17 offset [1] 761/7 Ogden [1] 769/12 Oh [18] 751/10 759/11 | 761/14 761/15 761/16 762/15 762/16 762/18 764/21 765/2 772/25 778/17 782/4 785/7 794/23 795/13 795/23 803/7 OID [14] 723/6 724/23 725/2 728/4 729/17 731/3 735/16 740/21 741/18 757/21 766/10 787/21 789/9 798/23 OIDs [5] 724/16 766/11 775/21 775/24 776/14 oil [1] 743/19 okay [24] 712/7 720/12 721/5 738/8 739/4 756/1 757/23 758/24 759/15 759/25 762/10 765/7 765/18 765/19 765/22 767/4 767/9 770/16 770/17 774/6 781/8 803/11 806/21 808/5 Old [1] 752/4 ollie [2] 758/25 758/25 omissions [1] 713/12 omit [1] 712/4 once [9] 748/24 763/22 765/3 766/3 774/8 779/12 782/1 782/3 786/9 one [92] 704/17 705/15 706/17 707/20 708/8 708/9 708/10 708/16 708/23 708/24 709/2 709/6 709/8 709/12 709/18 710/7 710/14 710/14 710/15 710/24 717/17 718/6 723/17 723/17 723/18 725/3 725/17 725/22 727/17 728/6 731/21 732/12 732/13 732/23 733/11 733/11 734/4 734/7 734/14 737/7 737/7 737/7 737/8 737/8 737/13 737/16 737/19 737/22 737/22 737/24 740/6 741/1 742/5 747/19 748/8 750/18 753/16 755/18 756/20 757/19 759/7 759/11 760/25 763/23 763/23 766/9 766/24 776/7 778/13 781/15 781/16 781/17 785/9 785/24 789/7 790/3 790/4 791/9 792/12 794/5 795/8 797/22 799/17 799/18 802/8 802/10 802/23 803/13 |
|----------|---|--|--|--|

| | | | | |
|----------|---|---|--|--|
| O | 734/14 761/10 764/3 773/14 773/21 778/7 778/11 778/13 778/17 778/20 Originally [1] 749/25 originals [1] 773/17 originators [1] 709/8 other [64] 704/1 704/12 705/3 706/4 706/6 706/22 707/19 709/8 709/23 710/2 710/9 710/10 710/17 713/12 713/20 714/10 714/12 714/14 715/4 715/5 715/7 715/8 716/8 716/10 716/12 716/13 717/11 717/12 720/22 722/5 725/22 729/20 733/14 734/24 739/12 741/13 747/11 749/19 751/11 752/17 752/17 754/15 759/2 759/7 759/19 760/4 760/12 767/18 768/25 769/9 770/5 772/18 777/2 780/8 780/12 783/13 786/6 787/1 790/11 790/14 792/10 792/18 799/25 804/2 others [8] 703/10 721/1 722/9 723/3 771/12 788/13 800/20 802/4 otherwise [3] 706/16 739/24 791/17 our [31] 722/24 722/24 723/1 724/20 744/9 747/14 748/7 748/7 748/8 748/17 749/1 749/10 752/24 753/19 754/7 754/9 760/12 761/4 761/21 762/11 764/22 764/23 766/21 776/22 778/12 782/17 785/23 786/12 786/12 805/13 805/14 ourselves [1] 773/12 out [75] 703/10 708/11 709/17 710/15 712/5 725/16 726/12 726/18 726/19 732/17 733/2 736/17 737/22 738/21 739/11 740/13 741/23 741/25 742/11 746/19 748/18 750/22 751/2 753/13 755/15 755/16 756/5 757/2 758/10 758/18 759/15 760/8 761/14 761/20 764/5 764/22 767/23 767/25 767/25 768/11 768/12 769/15 769/19 | 770/11 771/24 773/23 774/21 775/9 775/13 776/4 776/22 776/25 777/22 778/21 780/5 780/7 780/23 781/17 782/8 782/19 783/25 784/3 784/10 784/17 788/7 788/17 788/20 789/8 791/13 793/1 801/4 801/8 802/17 806/5 806/6 outcome [1] 706/3 outs [1] 803/1 outset [1] 744/16 outside [7] 702/3 719/15 786/6 793/2 797/3 803/22 808/9 over [27] 722/21 724/5 724/13 728/2 728/3 740/6 743/10 753/17 753/17 754/13 756/23 756/23 759/11 760/23 760/23 763/10 763/10 771/5 771/5 771/9 771/10 771/10 778/5 778/5 778/5 787/7 790/5 overall [1] 710/11 overheard [1] 780/6 overly [1] 790/21 overnight [1] 702/7 overruled [7] 727/2 727/6 728/1 757/7 788/2 788/16 789/12 overt [4] 708/10 708/12 709/15 709/19 owe [6] 764/10 765/2 765/3 765/4 769/1 769/17 owed [4] 739/19 764/7 769/3 769/19 own [10] 707/10 723/13 729/16 739/6 761/18 766/22 786/22 790/16 790/20 805/13 owned [2] 735/1 750/3 owner [1] 750/3 oxen [1] 758/25 | paper [13] 717/12 724/19 729/5 733/7 735/2 738/19 760/20 760/23 760/24 761/2 761/10 762/18 767/5 paperwork [3] 754/14 757/3 770/3 paramedics [1] 808/4 parameters [1] 799/1 pardon [2] 719/23 739/20 parse [1] 711/24 part [17] 705/23 711/6 711/17 714/6 719/9 721/16 722/23 723/1 724/1 731/20 733/1 746/2 752/13 769/22 778/12 801/25 804/24 participants [1] 735/15 participate [1] 710/12 participating [1] 709/3 participation [1] 710/22 particular [2] 708/12 709/1 parties [1] 805/11 parting [1] 722/13 partnership [1] 708/15 parts [1] 744/18 party [2] 753/21 796/3 pass [7] 714/22 715/2 716/7 717/3 721/1 722/9 759/17 passed [4] 715/1 716/6 717/5 723/2 passes [1] 714/7 passing [5] 714/21 716/22 734/9 734/16 734/21 past [1] 735/4 Paul [3] 752/22 752/22 808/11 Pause [1] 806/7 pay [8] 717/10 723/3 724/17 741/25 752/17 758/5 781/25 782/7 payer [1] 725/14 payment [4] 716/23 717/13 787/13 802/5 payoff [1] 740/24 penalties [2] 728/14 788/22 penalty [2] 728/9 728/12 PennyMac [1] 734/3 people [75] 729/8 732/9 733/2 734/24 737/23 739/12 740/3 740/4 740/9 740/10 | 740/14 741/10 741/12 741/13 741/14 741/15 741/15 741/18 741/19 741/19 742/19 742/21 743/2 743/2 743/25 748/2 748/8 748/25 748/25 749/10 749/22 750/14 750/15 750/16 750/24 753/5 754/12 756/2 760/12 760/16 765/14 769/24 770/4 771/3 772/10 772/16 772/19 773/4 773/12 774/1 774/2 774/3 774/5 775/24 775/25 776/1 776/9 776/9 777/22 779/6 779/7 779/19 780/13 781/11 782/17 783/7 783/13 783/24 784/2 784/18 785/15 785/19 785/19 788/20 788/23 people's [2] 741/13 772/6 per [2] 701/20 728/5 percent [10] 725/16 726/2 767/13 767/15 767/15 767/16 767/16 767/19 788/7 799/6 Perez [6] 803/3 803/6 803/8 805/16 805/17 806/19 perfectly [2] 755/19 777/1 performance [1] 710/5 performed [3] 708/10 721/17 722/1 perhaps [2] 708/23 802/3 period [5] 710/4 724/5 726/4 726/14 769/18 pernicious [1] 752/9 persecute [2] 784/2 784/2 persecution [1] 783/19 person [24] 709/5 709/11 711/6 712/19 713/20 713/22 718/3 718/9 721/25 727/17 737/19 737/22 737/24 740/6 742/4 743/3 751/8 756/6 756/17 767/8 770/18 775/7 780/2 785/9 person's [1] 710/21 personal [2] 703/6 750/8 personally [3] 705/13 709/18 756/18 persons [5] 708/15 |
|----------|---|---|--|--|

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|--|---|--|--|---|
| P | plus [6] 737/2 738/6 739/17 739/20 742/3 787/20 pocket [1] 759/17 point [21] 729/20 730/19 734/4 736/7 737/9 748/18 755/16 756/9 757/2 760/8 762/3 763/4 764/5 770/11 775/9 776/25 777/10 777/17 788/17 792/4 800/5 pointed [5] 754/14 758/18 761/20 771/24 776/4 policy [3] 779/20 780/9 780/9 political [4] 714/14 715/8 716/13 750/5 polled [1] 806/14 ponder [1] 802/12 poor [1] 730/18 popular [1] 785/17 portraits [1] 717/23 possesses [1] 714/9 possible [1] 704/4 power [1] 738/9 pray [1] 786/1 prefer [2] 746/1 781/5 preference [1] 744/17 prejudice [1] 706/4 prejudices [1] 703/6 prejudicial [1] 804/9 premature [1] 747/19 prepared [6] 779/11 780/16 791/2 795/8 797/10 804/14 preponderance [1] 745/16 presence [6] 702/3 719/15 793/2 797/3 803/22 808/9 present [22] 701/11 702/5 702/19 703/18 714/22 715/3 716/7 719/18 719/19 721/2 721/11 722/9 725/11 730/12 730/16 739/2 746/25 764/3 795/1 805/10 805/11 806/8 presentation [4] 798/22 799/2 799/5 799/7 presented [15] 712/14 712/14 715/2 716/6 716/10 722/22 723/4 724/10 763/21 771/20 775/10 778/13 793/16 806/17 806/20 presenting [3] 714/21 733/5 748/14 presentment [1] | 773/18 presentments [1] 773/17 presents [2] 711/6 714/7 preside [1] 790/5 president [2] 749/4 749/7 presiding [3] 700/5 790/4 791/3 press [1] 766/7 presumed [1] 703/15 previous [2] 720/23 722/6 previously [4] 720/25 721/2 722/8 722/10 prima [1] 713/19 principal [2] 719/11 721/18 print [1] 752/23 printed [1] 774/14 printer [4] 775/15 775/17 775/19 775/20 printers [1] 775/15 Printout [2] 800/2 802/5 prior [1] 734/17 prison [2] 747/5 772/22 private [8] 752/20 773/24 774/14 775/1 777/20 777/20 779/3 794/23 privileges [1] 779/22 PRO [1] 701/20 probable [2] 753/13 754/4 probably [2] 710/20 767/13 problem [1] 763/8 procedure [1] 781/6 proceed [2] 735/24 745/2 proceedings [15] 700/14 702/3 711/19 712/8 715/14 715/21 719/15 756/24 793/2 797/3 803/22 806/7 808/9 808/15 809/5 process [8] 703/2 751/15 752/13 767/9 767/9 769/20 784/4 784/13 produce [6] 756/20 756/22 763/23 763/23 778/11 778/20 produced [1] 773/16 producer [2] 757/11 776/16 producing [1] 733/5 product [1] 733/24 production [2] 733/1 | 767/21 profession [1] 783/13 profile [1] 733/20 program [1] 787/21 promise [2] 717/10 717/11 promising [1] 703/7 promissory [1] 717/8 proof [18] 704/2 704/2 705/12 705/15 713/7 717/1 723/10 723/12 744/6 744/8 744/13 745/4 745/21 746/11 752/11 772/25 773/15 785/8 proper [4] 759/5 765/8 786/3 787/12 properly [2] 769/11 769/20 proposed [2] 793/12 793/19 proposition [1] 804/3 729/10 751/5 778/24 prosecutions [1] 767/14 prosecutors [2] 763/23 778/13 prosper [1] 786/10 protected [1] 753/9 protests [1] 768/15 prove [19] 703/18 704/4 705/17 708/1 709/18 712/12 714/25 716/4 718/7 718/12 721/23 722/24 723/1 723/4 732/6 736/19 736/20 753/16 771/21 proved [2] 719/10 790/25 proven [4] 732/23 735/19 753/15 785/24 proves [3] 703/16 710/13 723/21 provided [1] 790/23 provides [4] 711/5 714/6 719/8 721/15 proving [2] 703/19 746/18 proviso [1] 804/12 prudence [1] 778/12 prudent [1] 718/3 public [9] 748/14 758/4 768/4 768/5 772/20 775/1 776/20 776/21 777/20 punch [2] 770/17 770/18 punctual [1] 807/21 punctuality [1] 792/9 punishable [2] 719/11 721/18 | punishment [3] 747/9 790/23 790/24 purely [1] 704/6 purported [2] 715/6 716/10 purporting [1] 714/11 purpose [6] 708/11 709/4 709/10 709/17 717/5 718/10 purposefully [1] 722/12 purposes [1] 713/19 pursuant [1] 809/3 put [29] 724/24 727/11 740/6 740/22 744/11 745/8 747/21 747/21 754/25 757/21 758/14 758/18 759/21 760/3 760/18 761/5 769/23 769/23 772/1 773/2 774/11 774/13 775/19 775/23 781/20 781/21 785/9 785/24 800/5 puts [1] 778/4 putting [9] 716/25 729/23 753/20 769/10 772/7 772/7 775/5 779/10 780/11 |
| Q | | | | |
| question [17] 702/15 704/25 718/21 762/25 763/20 767/18 777/15 777/16 780/24 791/13 791/16 791/18 791/18 804/6 804/17 805/4 805/14 questions [4] 704/22 705/1 707/12 781/11 quick [1] 747/15 quicker [1] 726/16 quickly [2] 738/17 749/24 quite [1] 711/16 quote [2] 744/3 753/18 quoting [1] 766/21 | | | | |
| R | | | | |
| radio [3] 750/24 766/13 776/16 raise [4] 747/16 755/23 770/17 781/12 raised [1] 787/14 ran [1] 749/7 raped [1] 775/25 rapid [1] 731/25 rather [2] 716/18 800/13 Raza [1] 807/13 re [3] 801/3 801/4 | | | | |

| | | | |
|----------|---|--|---|
| R | 717/2 724/21 728/4 733/22 738/19 787/23 788/6 788/12 792/22 794/9 797/6 804/8 804/10 recess [7] 719/12 746/23 786/19 796/7 802/15 803/21 805/9 recipient [1] 716/20 reconsider [1] 728/7 record [9] 731/3 744/11 787/17 791/23 794/13 797/5 798/9 802/16 803/23 recording [1] 788/11 records [3] 724/22 725/1 734/25 recount [1] 756/22 recovery [1] 808/6 red [4] 738/18 754/24 775/17 788/5 redact [2] 799/19 799/22 redact that [1] 799/19 redacted [2] 797/10 805/1 redactions [1] 804/12 redeem [1] 752/7 redeemable [1] 718/1 redemption [3] 752/2 752/2 753/1 redistributed [1] 757/17 refer [2] 744/17 746/9 reference [1] 793/14 referred [1] 736/25 referring [1] 706/16 refers [1] 744/22 refinanced [1] 757/17 refund [33] 713/4 724/15 724/17 725/9 726/2 726/5 726/23 727/11 729/3 731/11 731/12 731/15 731/25 732/1 732/3 732/15 766/25 767/1 767/10 767/23 767/24 768/8 768/8 768/20 773/1 773/2 777/2 777/7 781/15 781/16 781/17 787/23 788/7 refunds [10] 724/4 724/13 725/2 726/25 728/23 729/6 729/14 731/14 732/13 787/20 regard [3] 702/13 744/22 792/7 regarding [5] 719/25 722/14 731/2 734/4 795/4 regardless [1] 716/21 regulations [1] 809/7 | rejected [1] 734/15 rejecting [1] 734/17 relate [7] 716/1 720/21 722/4 733/7 733/8 795/23 796/2 relates [2] 716/2 794/3 relating [4] 712/9 714/18 714/20 716/1 relation [1] 731/20 relative [1] 745/4 relevant [1] 745/21 religion [1] 784/1 religions [1] 741/13 rely [1] 790/20 remain [2] 746/5 792/4 remaining [1] 806/2 remember [5] 705/5 734/6 767/11 777/18 791/16 remembered [1] 754/23 remind [3] 707/13 760/21 766/19 remote [1] 766/14 remove [1] 712/2 rendered [1] 807/24 Reno [1] 783/10 reorganization [1] 719/13 report [1] 729/16 reported [2] 729/17 809/5 REPORTER'S [1] 700/14 represent [2] 707/5 774/4 representation [1] 712/20 representatives [2] 724/25 734/2 represented [1] 715/6 representing [3] 714/11 760/12 760/17 request [5] 724/17 763/6 765/14 797/7 797/8 requesting [1] 731/14 requests [1] 802/18 require [1] 717/1 required [4] 704/4 709/18 713/23 745/25 reread [1] 715/23 research [1] 766/22 resemblance [2] 717/18 718/5 Reserve [14] 752/18 752/20 773/24 774/12 774/14 774/15 777/18 | 739/2 742/9 742/11 747/14 748/15 753/21 755/19 755/25 758/20 758/22 765/20 766/1 766/24 771/10 777/3 777/14 778/15 779/20 782/11 782/13 789/1 790/14 800/24 801/8 801/24 rights [2] 717/6 784/11 Rios [1] 774/17 rise [1] 803/20 robbing [1] 759/4 Ron [2] 752/22 752/22 room [10] 702/25 754/15 754/17 754/20 754/22 755/6 792/17 792/18 792/23 794/12 Rosie [1] 774/17 RPR [1] 700/23 rule [3] 779/1 779/1 779/1 ruled [3] 756/15 793/16 795/11 rules [2] 772/4 792/9 ruling [3] 702/8 795/4 795/19 running [1] 762/24 |
| S | sacred [1] 771/12 said [67] 703/12 705/2 721/13 727/25 730/10 730/15 735/3 737/9 737/17 737/20 738/22 739/2 739/3 740/7 742/24 743/1 749/23 750/22 752/24 754/8 755/2 756/3 756/16 756/21 757/23 759/13 759/15 759/18 760/23 761/20 762/15 762/16 762/19 764/21 765/2 765/6 765/18 766/1 767/2 767/4 767/6 Revenue [12] 707/23 708/6 713/2 749/18 751/1 763/9 767/19 768/7 775/18 781/14 777/3 777/12 779/6 779/25 784/16 784/18 784/22 784/24 788/6 788/15 788/18 789/6 790/20 792/3 799/15 802/11 805/13 sake [1] 764/2 Salaman [2] 748/18 749/5 salesman [1] 743/19 salient [1] 785/13 same [29] 710/7 714/8 724/15 724/15 724/16 | | |

| | | | |
|----------|--|--|--|
| S | 741/14 same... [24] 724/16 724/17 725/13 725/13 728/18 731/13 731/15 731/15 731/15 731/19 731/19 732/11 732/12 732/13 732/17 732/22 733/9 743/9 757/18 788/9 789/13 796/2 801/7 802/1 sat [1] 741/3 satisfactorily [1] 805/7 satisfactory [1] 808/13 save [2] 762/20 786/14 saved [1] 733/20 saw [9] 705/13 739/15 741/16 750/18 750/22 755/1 759/20 775/12 785/10 say [28] 705/3 706/15 706/16 729/3 737/15 737/17 737/20 738/8 739/5 741/12 741/13 741/14 746/9 756/6 756/18 761/12 762/23 763/6 771/11 772/13 775/4 782/22 784/15 785/12 788/25 799/6 801/2 806/12 saying [14] 747/13 749/3 759/11 762/18 764/9 765/15 774/8 774/22 776/13 778/16 782/4 795/15 799/4 800/8 says [14] 705/23 720/5 752/22 779/18 779/20 780/2 786/7 789/1 799/15 799/23 800/20 801/6 802/4 802/18 scam [5] 724/2 737/11 737/18 737/21 741/1 scare [1] 739/12 scarecrow [1] 788/24 schedule [1] 786/21 scheme [15] 710/8 710/11 714/11 715/6 716/11 724/4 724/16 729/16 731/20 733/1 735/16 735/16 737/21 740/21 740/21 schemes [1] 735/15 school [3] 750/3 750/6 754/24 Schrout [1] 740/10 science [1] 750/6 Scientology [1] | 799/14 800/10 801/4 801/15 802/2 802/23 806/12 Seehausen [1] 804/18 seeing [1] 757/10 seeking [3] 713/4 724/3 757/4 screwed [1] 768/22 seals [1] 717/22 sean [49] 700/9 701/20 703/24 707/5 707/9 707/13 711/1 711/12 711/15 711/23 712/10 714/1 714/18 714/23 716/1 716/3 724/12 725/4 725/8 725/13 725/20 726/18 726/23 727/3 727/9 727/21 728/3 728/10 728/11 730/1 730/24 731/8 731/13 731/18 733/7 734/7 734/13 739/3 742/21 742/21 742/22 742/24 743/5 743/9 743/12 744/3 789/3 799/24 805/19 search [7] 734/12 736/25 737/5 753/13 754/4 754/6 799/24 searched [1] 737/14 second [14] 708/7 712/15 715/5 716/9 721/25 723/1 732/1 732/25 741/1 794/21 801/21 802/10 804/5 805/13 secondary [1] 778/5 secret [2] 763/1 763/1 secretary [3] 765/12 765/13 774/17 section [20] 707/24 711/2 711/4 711/5 711/11 712/23 714/2 714/5 714/5 714/16 718/18 719/8 720/1 720/1 720/8 721/15 721/21 722/12 758/6 809/3 security [17] 714/12 715/7 716/11 717/12 717/14 718/15 742/13 742/15 779/17 779/17 779/18 779/21 780/1 780/11 780/21 788/8 788/9 see [30] 705/25 720/7 720/15 723/23 724/9 726/3 734/25 741/24 746/2 758/11 758/13 759/21 770/3 772/3 772/20 775/24 775/25 776/1 778/9 780/4 797/12 797/16 798/6 | 808/7 services [1] 707/6 session [1] 705/9 set [14] 728/19 729/15 731/7 731/24 732/1 732/3 732/12 732/13 746/19 762/21 779/11 783/10 788/4 808/10 set-off [1] 762/21 setoff [5] 775/6 777/12 780/22 782/18 784/8 sets [1] 732/12 setting [2] 760/4 767/21 settle [2] 775/6 780/22 settlement [3] 762/21 777/12 782/18 seven [12] 713/25 715/17 715/25 731/18 725/12 728/19 733/12 751/7 791/9 791/10 802/21 805/15 significant [1] 792/11 signs [1] 808/5 silver [3] 758/7 774/25 779/8 similar [1] 708/22 Similarly [3] 705/1 709/11 709/24 simply [4] 708/21 790/14 790/18 799/4 since [3] 743/10 743/11 774/6 single [8] 703/9 751/6 756/17 757/19 757/24 764/3 771/20 785/1 Sipes [1] 802/6 Sipes/Barclay [1] 802/6 sir [7] 715/12 730/18 756/6 759/15 781/8 793/20 800/14 sit [1] 751/9 sitting [2] 727/21 754/6 situation [3] 750/19 785/1 796/2 situations [1] 750/25 six [10] 713/25 715/16 715/25 731/8 755/7 767/21 768/11 769/18 778/18 805/21 six-month [1] 769/18 Sixth [1] 755/24 slavery [1] 779/9 slaves [1] 780/14 slide [1] 745/21 slip [1] 723/17 slot [2] 729/22 740/25 small [1] 721/8 Smith [5] 740/10 742/20 760/21 766/18 771/2 snake [1] 743/19 |
|----------|--|--|--|

| | | | | |
|----------|--|---|---|--|
| S | sort [2] 751/25 798/10 soul [1] 750/16 souls [1] 786/3 sound [1] 789/5 Southern [1] 750/5 speak [3] 707/10 790/5 804/5 special [3] 701/11 727/20 734/10 specialist [1] 727/13 specialists [1] 740/3 specific [5] 706/24 706/25 706/25 793/14 805/4 specific count [1] 706/25 specifically [1] 797/22 specifics [1] 736/13 speculation [1] 704/6 spell [1] 791/22 spend [1] 777/5 spending [2] 726/11 747/22 spent [3] 773/1 776/20 783/19 spin [1] 729/23 spiritual [3] 749/24 751/20 766/12 spiritually [1] 748/7 spoke [1] 707/13 spread [1] 769/15 Spring [1] 701/9 SSN [1] 780/9 stabilization [1] 738/9 stacks [3] 756/12 756/12 756/13 stage [1] 740/5 stake [1] 772/7 stamps [3] 778/7 778/8 778/8 stand [8] 707/16 735/11 752/18 754/13 756/14 772/12 772/25 789/3 standard [3] 741/6 744/7 744/8 standards [1] 745/4 stands [2] 772/5 791/17 Staples [1] 735/3 start [5] 712/9 720/13 723/25 753/14 784/13 started [4] 736/9 739/15 755/22 768/21 starting [2] 720/9 799/23 starts [3] 731/21 753/12 753/12 state [13] 705/6 714/14 753/18 754/1 758/9 765/12 765/13 771/22 778/22 780/13 | 785/23 785/25 791/22 statement [6] 712/18 712/20 726/4 726/24 730/18 737/1 statements [5] 704/23 705/2 717/25 726/3 788/11 states [65] 700/1 700/23 701/6 701/8 701/8 706/24 707/22 707/24 708/5 711/2 711/4 711/5 711/7 711/8 711/11 711/14 712/12 712/15 712/15 712/23 713/1 713/2 713/5 713/8 714/2 714/4 714/6 714/9 714/13 714/15 714/16 715/8 715/9 716/13 716/14 717/23 718/13 719/8 719/11 721/15 721/18 721/21 722/2 722/11 724/2 730/7 731/22 732/7 732/9 732/21 749/7 749/11 756/25 763/21 766/9 769/25 770/9 773/17 774/1 774/17 779/6 786/7 788/19 809/4 809/8 status [1] 716/22 statute [2] 717/7 719/2 statutes [2] 759/9 778/22 stay [2] 781/5 799/10 stenographically [1] 809/5 step [6] 732/10 735/17 748/18 749/13 749/19 783/10 step-dad [2] 748/18 783/10 STEPHEN [1] 700/5 STEVEN [1] 701/15 still [7] 735/11 743/6 743/7 774/18 784/5 784/6 800/4 stock [3] 718/16 718/16 776/21 stocks [1] 768/3 stood [1] 722/20 stop [5] 726/5 734/19 776/7 776/8 776/11 stopped [3] 725/2 763/18 763/18 store [1] 762/19 stories [1] 740/5 story [2] 739/25 747/15 strange [2] 757/18 773/19 | strategically [1] 755/20 street [3] 700/24 701/9 750/22 stretched [1] 724/5 stricken [2] 705/7 787/18 strike [3] 773/19 773/19 787/16 strong [1] 744/17 stronger [2] 732/2 753/25 strutted [1] 740/4 student [1] 784/9 students [1] 784/8 studied [5] 758/10 771/2 771/3 771/8 771/9 study [3] 773/6 786/6 786/7 studying [2] 758/2 758/2 stuff [28] 741/5 747/6 747/20 749/17 751/11 751/14 751/19 753/23 756/11 758/13 759/9 759/22 761/11 763/3 764/1 766/16 769/6 769/16 770/20 771/8 771/9 773/3 773/4 773/12 773/20 775/13 776/15 779/25 subdivision [3] 714/14 715/9 716/13 subject [2] 729/9 739/8 subjects [1] 731/18 submission [1] 731/7 submissions [1] 731/10 submit [20] 724/8 724/17 725/21 726/4 728/10 728/23 728/25 729/12 729/18 729/22 731/22 732/5 732/10 732/19 732/22 733/23 734/21 735/13 765/6 789/23 submits [1] 793/15 submitted [17] 712/22 723/25 724/8 727/14 728/18 730/1 731/4 731/11 731/13 733/13 734/1 736/16 762/5 791/18 793/11 795/19 799/23 submitting [2] 742/5 742/17 subpoenas [1] 761/11 subscribe [1] 743/15 subsequent [1] 765/18 | subsequently [2] 779/15 780/18 subterfuge [1] 726/5 success [1] 710/20 successful [1] 750/3 such [12] 705/12 707/3 711/9 713/23 713/23 713/24 716/19 716/21 717/7 717/20 717/21 804/3 sue [1] 756/2 sued [4] 756/10 772/10 772/11 776/11 suffered [1] 718/13 suggest [1] 737/17 suggesting [1] 737/9 suggestion [1] 703/12 suggestive [2] 798/1 798/4 suing [1] 771/24 Suite [1] 701/15 suites [1] 807/22 summaries [2] 707/1 707/2 summary [1] 798/11 Superman [1] 760/25 superseding [18] 707/21 708/7 708/25 709/20 710/25 711/3 711/14 714/1 714/3 714/17 714/19 715/4 715/25 716/2 716/9 721/20 735/21 793/14 support [1] 768/4 supporting [1] 707/3 supposed [5] 738/15 738/15 740/3 754/5 757/22 Supreme [4] 756/12 756/14 756/15 756/15 sure [11] 725/6 737/21 753/7 761/23 761/24 771/4 771/10 772/3 775/11 778/25 794/18 surgery [2] 754/11 754/18 surrounded [2] 739/7 740/1 surrounding [1] 742/19 survive [1] 747/24 sustain [1] 762/6 sustained [4] 747/12 762/9 764/17 768/18 SVW [1] 700/8 swaddled [1] 747/23 swear [1] 770/22 sweat [1] 777/25 sweat-equity [1] 777/25 sworn [2] 704/17 |
|----------|--|---|---|--|

| | | | | |
|----------|--|---|---|---|
| S | 754/5 757/2 761/19 765/7 765/7 767/1 770/12 773/5 776/17 781/22 782/15 791/16 804/14 telling [4] 723/11 762/15 766/21 789/15 template [2] 733/20 733/20 ten [7] 719/13 726/2 737/2 747/5 767/15 767/16 805/22 ten-plus [1] 737/2 tender [1] 718/1 tens [2] 751/15 781/17 term [5] 716/22 716/24 717/5 718/15 779/8 terms [3] 721/2 722/10 766/2 test [1] 745/9 Testament [1] 752/5 testified [8] 703/24 706/1 724/21 724/22 738/18 758/4 766/9 784/22 testify [7] 703/18 703/22 703/24 706/9 707/16 707/17 755/12 testifying [2] 706/2 754/8 testimony [15] 703/25 703/25 704/17 704/19 705/7 705/12 705/21 705/22 705/24 706/5 706/6 706/10 707/18 707/18 807/22 tests [1] 744/8 text [1] 737/7 thank [36] 702/21 715/20 719/14 727/8 736/3 736/4 745/3 746/16 746/21 746/22 763/19 764/18 764/23 767/10 781/8 786/15 786/15 786/15 790/1 792/1 792/8 792/16 792/19 793/4 793/8 795/2 796/5 796/6 797/13 802/14 805/3 807/19 807/25 808/7 808/8 808/14 thanks [1] 808/1 that's [62] 715/19 718/23 720/6 725/8 727/5 727/25 728/15 733/23 737/18 738/25 739/13 741/13 742/1 742/2 742/7 742/7 746/20 751/6 751/7 751/8 751/24 752/13 757/1 757/13 760/13 | 760/13 760/14 761/2 761/7 763/4 763/8 764/2 764/17 768/9 771/8 772/15 773/12 773/16 773/21 774/2 774/23 775/2 779/9 780/7 780/9 781/6 782/14 782/23 782/23 785/24 787/12 788/14 788/23 788/24 788/24 789/11 789/25 795/17 797/24 799/15 799/25 803/7 thee [1] 786/10 their [49] 705/2 705/3 706/10 716/21 722/16 723/12 723/13 723/15 724/1 724/25 728/18 729/8 729/16 732/7 733/1 733/3 733/16 733/24 734/13 734/22 734/23 735/10 735/10 735/15 735/18 737/1 737/6 738/14 738/14 739/6 741/20 743/24 744/11 744/12 756/25 758/12 758/13 761/18 768/8 768/22 770/6 773/23 773/24 774/9 775/10 776/3 785/11 789/22 805/6 theirs [2] 738/22 738/25 them [76] 703/3 704/22 705/5 705/6 705/6 707/3 723/11 724/9 728/2 728/19 728/20 729/7 732/8 732/16 733/11 733/12 734/19 737/5 739/16 741/24 742/5 744/2 744/2 744/18 744/18 746/5 746/5 748/9 748/14 748/15 748/23 749/2 751/12 751/12 760/12 760/24 761/6 761/11 762/22 762/23 762/23 763/9 763/10 764/8 766/6 767/4 767/19 768/20 769/3 772/3 772/11 772/16 775/16 775/19 775/23 776/15 776/22 778/1 778/25 779/10 781/20 785/1 789/15 796/4 797/15 797/16 798/4 798/9 799/1 799/6 799/20 799/21 800/6 800/6 802/3 804/13 themselves [2] 759/5 798/13 theoretically [3] | 755/14 759/3 763/25 theory [1] 758/23 therapies [1] 748/19 therapy [1] 749/11 thereafter [1] 726/20 thereby [1] 709/11 therefore [1] 707/3 thereof [2] 711/8 711/9 these [68] 702/24 703/9 703/11 719/1 720/21 722/3 724/21 724/24 725/18 725/22 726/7 728/7 728/21 731/15 732/5 732/22 733/14 733/15 734/2 734/4 736/15 738/16 740/9 740/11 741/18 742/5 742/19 742/19 743/20 746/13 750/18 750/24 751/10 751/14 752/9 753/5 754/11 756/24 759/19 759/19 760/11 760/15 761/5 762/14 766/5 766/18 766/19 766/20 769/6 769/15 770/4 771/3 772/10 772/16 773/12 773/17 774/3 774/9 776/8 779/19 781/11 781/19 783/15 783/16 784/25 789/15 800/11 801/2 they'd [3] 741/24 769/4 788/4 they'll [2] 764/24 794/8 they've [6] 770/20 782/16 785/18 789/18 800/6 800/6 thing [26] 743/9 745/12 746/16 753/16 754/3 755/10 757/14 758/8 759/7 761/4 764/20 767/13 768/21 771/19 771/22 776/14 778/14 780/12 780/25 784/3 789/7 789/13 797/24 801/7 802/1 803/13 things [29] 704/21 706/1 719/1 719/13 722/21 735/4 735/5 736/15 741/12 742/17 747/11 747/21 747/21 748/13 750/7 751/14 752/17 755/19 756/5 762/14 766/14 767/23 768/3 769/2 769/9 783/17 785/18 787/4 798/18 think [46] 706/10 | 707/4 720/5 727/5 737/18 739/23 740/15 740/17 742/6 742/8 743/9 743/12 745/9 745/11 745/25 746/3 746/9 748/1 753/21 755/23 767/7 767/9 767/16 768/24 769/6 777/13 784/3 784/5 784/6 784/16 784/17 785/21 789/1 789/1 790/14 794/4 796/3 798/9 800/4 800/7 800/24 802/3 805/6 thinking [1] 758/22 thinks [2] 743/7 761/2 third [7] 708/9 712/16 715/9 716/14 732/3 753/21 796/3 thirty [2] 740/19 765/21 thirty-seven [1] 740/19 this [243] those [46] 710/17 716/17 716/18 718/4 718/21 719/6 720/23 721/2 721/2 722/6 722/9 722/10 722/15 722/19 727/11 727/16 727/21 735/4 735/5 736/15 741/12 742/17 747/11 747/21 747/21 748/13 750/7 751/14 752/17 755/19 756/5 762/14 766/14 767/23 768/3 769/2 769/9 783/17 785/18 787/4 798/18 thought [26] 735/18 738/22 738/25 742/25 743/1 743/6 748/5 752/21 755/20 758/22 765/1 766/24 769/19 770/12 770/13 770/13 770/15 775/3 777/7 784/4 795/13 795/14 799/9 803/11 803/17 804/1 thousand [2] 769/8 782/6 thousands [3] 733/6 751/15 781/18 threaten [2] 744/12 770/17 |
|----------|--|---|---|---|

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|----------|--|---|---|----------|
| T | threats [1] 772/19 three [23] 710/18 710/25 711/14 711/21 712/3 714/17 715/16 721/13 726/17 726/23 727/3 727/9 731/16 732/12 734/16 759/10 768/24 768/25 773/10 782/11 782/12 787/3 805/20 threw [1] 754/16 through [30] 713/10 713/25 714/3 714/11 716/11 720/5 720/6 720/14 721/19 723/17 724/6 732/23 733/7 733/8 733/11 736/13 737/14 741/3 751/6 769/5 769/5 775/19 781/23 786/11 791/8 795/25 797/7 797/8 801/15 805/23 throughout [2] 748/13 792/11 throw [5] 743/11 770/6 770/22 771/1 773/20 throws [1] 761/1 thugs [1] 748/16 THURSDAY [3] 700/16 702/1 797/1 tie [1] 788/8 Tijuana [1] 783/11 time [33] 702/21 710/4 710/7 710/22 723/18 724/5 724/5 726/12 729/5 729/12 729/25 731/12 732/11 732/14 736/5 736/8 741/9 741/12 748/23 750/10 750/12 757/12 757/19 759/20 767/22 769/18 772/23 778/24 779/2 786/15 791/14 792/16 795/10 times [8] 705/3 707/11 728/15 755/23 756/5 756/5 756/13 779/23 TINs [1] 735/7 Title [15] 707/24 711/1 711/4 711/5 711/11 712/23 714/2 714/4 714/5 714/15 719/8 721/15 721/21 722/11 809/4 Title 18 [1] 809/4 today [3] 751/25 755/18 772/21 together [12] 724/16 725/11 732/6 732/10 | 729/1 729/5 764/1 tried [9] 728/17 729/11 729/12 750/15 755/22 761/10 770/8 789/4 789/5 trillion [2] 752/23 784/9 truly [1] 723/9 truth [2] 713/15 776/18 truthful [2] 748/5 785/17 try [9] 728/8 729/2 743/1 748/2 749/2 749/8 749/9 756/5 766/6 trying [18] 711/24 736/22 742/16 747/20 747/21 748/19 748/25 757/1 758/13 762/20 769/22 770/12 773/3 773/3 773/4 777/4 783/7 785/20 turn [4] 724/2 732/25 737/7 749/9 turned [2] 740/12 765/1 TV [2] 776/16 781/7 Twenty [2] 799/17 799/18 Twenty-one [2] 799/17 799/18 twisted [2] 739/23 743/13 two [31] 704/18 708/15 710/16 710/25 711/14 711/21 711/25 712/3 714/17 715/16 720/5 720/9 722/21 725/10 725/17 725/17 726/10 729/7 731/1 731/15 743/10 743/20 743/25 753/25 773/9 774/16 788/3 788/7 789/20 789/22 805/20 type [2] 717/14 789/22 typographical [2] 715/15 715/22 | 716/12 716/16 723/20 730/6 733/20 743/12 743/14 753/15 753/18 753/19 755/20 755/20 755/24 756/10 758/6 761/23 765/23 766/2 766/2 779/12 underlying [2] 707/2 707/4 understand [7] 704/25 730/17 744/20 757/25 786/4 786/20 800/8 understanding [2] 766/10 766/17 understands [1] 793/15 Understood [3] 745/7 745/20 746/6 unfortunately [3] 747/25 761/22 792/16 unicorns [1] 766/15 unifier [1] 779/21 USA [1] 700/6 use [18] 707/6 735/6 744/23 745/22 755/13 760/9 760/14 760/24 763/14 772/19 777/25 779/18 780/1 780/1 782/3 782/4 782/5 782/21 used [14] 705/17 722/11 725/14 754/24 754/24 771/5 778/11 779/7 779/8 779/13 779/21 780/17 780/21 793/13 user [1] 733/20 uses [1] 760/10 using [2] 741/7 779/22 utter [6] 714/22 715/2 716/7 717/4 721/1 722/9 uttered [3] 715/2 716/6 717/4 uttering [2] 714/21 716/24 utters [1] 714/7 | V |
| | vaccines [1] 783/14 VALERIE [2] 701/7 771/23 valley [1] 786/11 valuable [3] 784/25 807/20 807/25 value [3] 717/2 718/2 774/23 various [6] 707/11 717/19 726/12 733/6 734/3 795/15 vault [1] 778/4 | | | |

| | | | | |
|----------|---|---|--|--|
| V | 746/5 749/16 749/23 752/25 757/25 758/25 758/25 759/8 759/14 verbal [2] 797/7 797/8 verdict [39] 703/12 704/19 706/20 706/22 709/23 721/9 735/22 789/25 790/7 790/15 790/18 791/2 791/3 791/4 791/19 792/21 793/10 793/12 793/18 793/23 794/7 794/16 795/5 795/7 795/8 795/14 795/16 795/17 795/18 795/21 805/15 805/17 805/19 806/10 806/12 806/17 806/20 807/24 807/25 verdicts [1] 806/9 very [18] 723/20 738/17 740/3 740/15 740/17 742/23 743/21 750/12 750/12 757/18 758/3 761/22 786/15 787/19 793/4 807/20 807/21 807/24 vice [1] 749/7 vice-president [1] 749/7 viewing [1] 766/15 views [1] 790/11 violate [1] 729/9 violated [1] 784/11 violation [5] 707/23 711/10 721/21 755/9 755/14 violations [8] 711/1 711/4 714/2 714/4 753/11 755/10 755/24 795/23 violence [1] 702/9 Virtually [1] 736/24 vital [1] 808/5 voice [1] 737/8 void [2] 762/23 777/13 VOLUME [1] 700/18 vote [1] 756/19 voter [1] 756/18 vow [1] 771/12 | we've [16] 722/22 723/4 723/12 737/11 747/25 753/15 760/23 761/11 761/11 762/19 763/9 763/9 763/10 766/1 794/11 804/13 weapon [1] 786/10 weave [1] 746/2 Wednesday [2] 733/12 733/18 week [3] 747/16 793/11 795/19 wanted [5] 724/18 730/15 738/25 749/23 762/14 wanting [1] 770/6 wants [3] 755/16 760/18 799/12 warned [2] 727/22 739/4 warning [6] 723/10 723/11 732/1 732/2 789/24 789/24 warnings [1] 788/12 warrant [4] 718/18 734/12 753/13 754/4 was [220] Was the [1] 780/24 washed [1] 752/5 Washington [1] 725/5 watch [1] 748/8 watching [3] 748/9 783/24 785/16 water [1] 738/16 way [41] 705/6 709/9 733/2 737/12 739/18 742/24 743/21 748/16 749/13 751/2 751/5 752/7 752/11 752/14 757/19 757/22 758/14 759/19 761/18 762/16 762/25 765/9 767/12 768/4 768/7 769/14 771/12 772/4 773/9 773/22 774/24 775/10 777/10 777/13 779/17 781/17 784/22 785/9 795/7 795/20 801/21 ways [4] 708/22 752/17 757/16 783/12 we [182] we'll [5] 702/18 722/18 746/23 746/23 786/23 we're [25] 702/5 702/17 719/19 721/7 732/25 739/11 747/14 747/22 758/2 758/2 759/1 760/15 761/14 764/21 767/7 770/12 774/3 774/4 774/5 778/18 780/13 780/13 784/20 799/11 805/11 | we've [16] 722/22 777/23 777/24 778/23 779/9 780/12 781/9 781/9 781/9 783/16 784/15 785/6 786/21 787/22 788/13 788/15 788/24 788/25 790/20 792/15 793/10 793/19 794/3 795/23 795/23 797/20 798/2 799/15 800/6 800/8 801/15 802/10 808/11 what's [5] 736/10 748/9 759/8 762/17 771/21 whatsoever [1] 745/1 wheelchair [2] 754/10 754/16 wheelhouse [1] 771/15 wheels [1] 775/16 where [22] 727/11 728/22 754/5 755/5 756/25 763/1 763/23 763/24 766/17 767/20 770/4 770/4 770/25 772/6 772/7 778/10 781/13 785/4 788/11 794/12 800/7 800/10 where's [2] 756/24 756/24 whether [27] 702/14 703/4 706/4 706/11 707/8 708/17 709/19 713/13 713/14 713/15 720/23 721/1 722/6 722/8 732/14 735/15 743/16 743/19 743/20 783/25 783/25 784/1 784/2 784/21 790/8 790/19 790/25 which [53] 705/15 705/21 705/22 709/1 709/9 716/17 716/18 719/10 721/17 722/3 725/25 729/2 730/25 731/5 731/18 733/2 734/11 747/6 750/12 753/15 753/22 753/23 753/25 755/13 756/5 759/1 760/1 760/7 761/8 762/11 762/14 762/19 765/3 767/15 770/14 772/2 775/23 778/12 779/16 781/16 781/19 781/20 786/7 791/14 792/21 795/16 799/15 802/19 802/23 804/5 804/18 804/18 805/4 while [4] 706/2 721/7 747/19 791/15 | who [40] 706/8 707/16 709/6 709/8 709/13 709/21 725/1 727/18 729/9 734/3 734/10 735/2 737/16 737/19 739/12 740/3 740/4 742/1 742/2 742/2 749/19 751/23 752/19 755/2 758/20 761/24 766/18 770/19 772/19 773/22 774/18 776/15 778/15 779/25 780/6 781/11 781/13 785/10 790/5 803/10 Whoever [4] 711/6 714/6 719/9 721/16 whole [19] 746/2 748/4 749/2 751/24 752/13 753/2 753/16 754/3 758/4 758/8 760/6 761/4 764/20 767/12 768/21 769/19 776/13 778/14 780/10 whom [2] 710/17 712/22 whose [1] 713/22 why [30] 718/20 727/5 728/23 742/18 743/3 746/20 753/19 755/6 760/2 760/13 760/13 760/14 764/2 771/8 773/21 774/7 774/9 774/10 774/23 775/2 777/19 784/25 784/25 786/7 787/20 789/19 789/25 795/22 798/3 803/4 wife [7] 744/4 747/16 754/10 754/15 760/11 768/1 774/2 willyfully [2] 709/7 721/24 willful [8] 702/9 748/4 771/5 771/6 771/6 781/12 784/17 786/4 willfully [4] 709/3 719/9 721/16 722/11 willfulness [3] 771/20 771/23 785/22 William [3] 730/2 738/7 791/23 willingness [1] 792/14 willy [1] 751/2 willy-nilly [1] 751/2 WILSON [1] 700/5 win [1] 782/17 Winston [17] 740/10 742/20 749/20 752/7 752/13 753/4 758/2 760/21 766/18 771/2 773/5 773/9 774/7 |
|----------|---|---|--|--|

| | | |
|---|---|--|
| W Winston... [4] 774/8 774/22 775/4 779/12 wipe [2] 761/14 764/21 wires [1] 726/12 wish [3] 744/21 747/1 806/14 withdraw [2] 702/8 702/9 withdrawal [1] 725/17 withdrawals [2] 725/23 731/25 withdraws [1] 726/19 withdrew [2] 725/21 788/4 withhold [1] 741/25 withholding [7] 729/17 731/3 735/7 767/13 767/15 767/17 767/20 withholdings [1] 769/23 within [8] 713/3 714/9 717/21 770/10 771/4 771/7 782/2 784/7 without [8] 710/7 717/3 717/10 744/13 747/18 792/13 797/15 799/8 witness [22] 704/1 704/17 705/1 705/13 705/13 705/23 705/24 707/16 707/18 707/19 724/20 737/15 737/16 737/22 737/25 741/16 741/22 761/18 771/20 773/25 775/10 785/25 witness's [7] 705/25 706/1 706/2 706/2 706/3 706/5 706/5 witnessed [1] 803/18 witnesses [5] 704/24 706/8 706/9 707/16 722/23 Witter [1] 758/19 woke [1] 754/16 wolf [1] 750/20 won [1] 785/19 won't [4] 728/9 784/10 784/10 789/1 wonder [1] 737/10 word [6] 733/19 733/19 763/14 768/8 800/3 802/5 words [7] 707/14 713/11 713/20 744/18 744/23 771/5 799/25 wore [1] 751/25 work [15] 723/16 723/17 734/2 741/19 | Y Yea [1] 786/10 yeah [8] 720/10 737/20 739/9 742/9 771/25 772/10 794/18 795/9 year [6] 758/16 758/25 759/4 772/8 778/18 788/23 years [17] 724/24 738/6 742/3 743/14 745/10 745/11 747/5 748/14 749/5 759/10 759/10 759/12 760/19 768/25 772/8 778/19 787/8 yesterday [1] 793/16 yet [1] 751/15 Yoo [1] 734/10 you'll [13] 729/4 734/12 734/25 735/1 761/25 770/8 770/21 771/4 774/16 775/22 778/9 778/14 786/25 you've [10] 731/2 735/6 736/7 754/12 756/1 764/10 775/10 778/6 791/19 801/14 yourself [7] 755/12 763/7 780/25 781/10 786/8 787/22 790/9 yourselves [1] 722/14 | |
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